

FIFTEENTH DAY

Wednesday, February 10, 2010

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2010, convened at 11:35 a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Fred Hemmings, Hawai'i State Senate, after which the Roll was called showing all Senators present with the exception of Senator Tokuda who was excused.

The President announced that she had read and approved the Journal of the Fourteenth Day.

MESSAGE FROM THE GOVERNOR

The following message from the Governor (Gov. Msg. No. 239) was read by the Clerk and was placed on file:

Gov. Msg. No. 239, dated February 4, 2010, transmitting the Annual Report on Dental Health Activities, Expenditures, and Recommendations, prepared by the Department of Health pursuant to Section 321-63, HRS.

HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 13) was read by the Clerk and was disposed of as follows:

Hse. Com. No. 13, transmitting H.B. No. 2633, which passed Third Reading in the House of Representatives on February 9, 2010, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 2633, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSEES," passed First Reading by title and was deferred.

STANDING COMMITTEE REPORTS

Senator Hee, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2122) recommending that S.B. No. 2378, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2378, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Hee, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2123) recommending that S.B. No. 2781, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2781, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senators Hee and English, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Transportation, International and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2124) recommending that S.B. No. 2362, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2362, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION OUTREACH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Hee and English, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Transportation, International and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2125) recommending that S.B. No. 2363, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2363, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION OUTREACH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Hee and English, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Transportation, International and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2126) recommending that S.B. No. 2610 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2610, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Takamine, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 2127) recommending that S.B. No. 2393, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2393, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Takamine, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 2128) recommending that S.B. No. 2881, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2881, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Takamine, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 2129) recommending that S.B. No. 2884, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2884, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE

BARGAINING COST ITEMS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Takamine, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2130) recommending that S.B. No. 2691, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2691, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE PAYMENT OF EMPLOYEES’ RETIREMENT SYSTEM BENEFITS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senators Gabbard and Sakamoto, for the Committee on Energy and Environment and the Committee on Education and Housing, presented a joint report (Stand. Com. Rep. No. 2131) recommending that S.B. No. 2613, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2613, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ENERGY,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education and Housing, presented a report (Stand. Com. Rep. No. 2132) recommending that S.B. No. 2278, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2278, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC HOUSING,” passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 2133) recommending that S.B. No. 2775, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2775, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLICITY RIGHTS NAMES AS DISTINGUISHED FROM TRADE NAMES AND SPECIFYING REGISTRATION PROCEDURES FOR PUBLICITY RIGHTS NAMES BY AMENDING CHAPTER 482P,” passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 2134) recommending that S.B. No. 2664 pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2664, entitled: “A BILL FOR AN ACT RELATING TO IDENTITY THEFT,” passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 2135) recommending that S.B. No. 2710, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2710, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BOARD MEETINGS,” passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senators Sakamoto and English, for the Committee on Education and Housing and the Committee on Transportation, International and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2136) recommending that S.B. No. 2111, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Water, Land, Agriculture, and Hawaiian Affairs.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2111, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING,” passed Second Reading and was referred to the Committee on Water, Land, Agriculture, and Hawaiian Affairs.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2137) recommending that S.B. No. 2188 pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2188, entitled: “A BILL FOR AN ACT RELATING TO DENTISTRY,” passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2138) recommending that S.B. No. 2272, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2272, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONTINUING EDUCATION FOR NURSES,” passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2139) recommending that S.B. No. 2491, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2491, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TELEMEDICINE,” passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senators Sakamoto and Takamine, for the Committee on Education and Housing and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 2140) recommending that S.B. No. 2470, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2470, S.D. 1, entitled: “A BILL FOR AN ACT RELATION TO EDUCATION,” passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Gabbard, for the Committee on Education and Housing and the Committee on Energy and Environment, presented a joint report (Stand. Com. Rep.

No. 2141) recommending that S.B. No. 2709, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2709, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTALLY SENSITIVE PRODUCTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education and Housing, presented a report (Stand. Com. Rep. No. 2142) recommending that S.B. No. 2452, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2452, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION OF SCHOOL CHILDREN," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the majority of the Committee on Education and Housing, presented a report (Stand. Com. Rep. No. 2143) recommending that S.B. No. 2434, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the majority of the Committee was adopted and S.B. No. 2434, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education and Housing, presented a report (Stand. Com. Rep. No. 2144) recommending that S.B. No. 2349, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2349, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXTRACURRICULAR ACTIVITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education and Housing, presented a report (Stand. Com. Rep. No. 2145) recommending that S.B. No. 2277, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2277, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the majority of the Committee on Education and Housing, presented a report (Stand. Com. Rep. No. 2146) recommending that S.B. No. 2256, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2256, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 2147) recommending that S.B. No. 2534, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2534, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senators Espero and Sakamoto, for the Committee on Public Safety and Military Affairs and the Committee on Education and Housing, presented a joint report (Stand. Com. Rep. No. 2148) recommending that S.B. No. 2135, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2135, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII NATIONAL GUARD," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fukunaga and Baker, for the Committee on Economic Development and Technology and the Committee on Commerce and Consumer Protection, presented a joint report (Stand. Com. Rep. No. 2149) recommending that S.B. No. 2145, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2145, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS REGULATORY REVIEW BOARD," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fukunaga and Espero, for the Committee on Economic Development and Technology and the Committee on Public Safety and Military Affairs, presented a joint report (Stand. Com. Rep. No. 2150) recommending that S.B. No. 2620, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2620, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WIRELESS ENHANCED 911 FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the majority of the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 2151) recommending that S.B. No. 2405, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2405, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 2152) recommending that S.B. No. 2290, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B.

No. 2290, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 2153) recommending that S.B. No. 2293 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2293, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 2154) recommending that S.B. No. 2478, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2478, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2155) recommending that S.B. No. 2211, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2211, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTHCARE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Ige and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 2156) recommending that S.B. No. 2103, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2103, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FEDERAL DISPROPORTIONATE SHARE HOSPITAL FUNDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Ige and English, for the majority of the Committee on Health and the Committee on Transportation, International and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2157) recommending that S.B. No. 2105, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the majority of the Committees was adopted and S.B. No. 2105, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education and Housing, presented a report (Stand. Com. Rep. No. 2158) recommending that S.B. No. 2435, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2435, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Hee, for the Committee on Education and Housing and the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2159) recommending that S.B. No. 2889 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2889, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and English, for the Committee on Education and Housing and the Committee on Transportation, International and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2160) recommending that S.B. No. 2116, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2116, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF COUNTY AGENCIES," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senators Sakamoto and English, for the Committee on Education and Housing and the Committee on Transportation, International and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2161) recommending that S.B. No. 2276, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2276, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator English, for the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2162) recommending that S.B. No. 2859, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2859, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator English, for the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2163) recommending that S.B. No. 2954, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2954, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF STATE HIGHWAYS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2164) recommending that S.B.

No. 2863, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2863, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TAX LIEN AND ENCUMBRANCE RECORD," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2165) recommending that S.B. No. 2440 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2440, entitled: "A BILL FOR AN ACT RELATING TO THE BOARDS OF WATER SUPPLY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2166) recommending that S.B. No. 2182 pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2182, entitled: "A BILL FOR AN ACT RELATING TO PARKING SPACES RESERVED FOR PERSONS WITH DISABILITIES," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator English, for the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2167) recommending that S.B. No. 2897, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2897, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Hee, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2168) recommending that S.B. No. 2169, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2169, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SHARK FINS," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senators Hee and Fukunaga, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Economic Development and Technology, presented a joint report (Stand. Com. Rep. No. 2169) recommending that S.B. No. 2146, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2146, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF PLANNING," passed

Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the majority of the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2170) recommending that S.B. No. 2391, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2391, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2171) recommending that S.B. No. 2780, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2780, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2172) recommending that S.B. No. 2951, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2951, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

FINAL READING

S.B. No. 1311, S.D. 1, H.D. 1:

Senator Hee moved that S.B. No. 1311, S.D. 1, H.D. 1 pass Final Reading, seconded by Senator Taniguchi.

Senator Ihara requested that his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1311, S.D. 1, and S.B. No. 1311, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Ihara). Noes, none. Excused, 1 (Tokuda).

THIRD READING

S.B. No. 2018:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 2018, entitled: "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Tokuda).

S.B. No. 2016:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 2016, entitled: "A BILL FOR AN ACT

RELATING TO LIFE SETTLEMENTS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Tokuda).

S.B. No. 2017:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 2017, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE CLAIMS ADJUSTERS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Tokuda).

S.B. No. 2602:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 2602, entitled: “A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSEES,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Tokuda).

S.B. No. 2432:

On motion by Senator Kokubun, seconded by Senator Sakamoto and carried, S.B. No. 2432, entitled: “A BILL FOR AN ACT RELATING TO HAWAII INSTITUTE FOR EDUCATIONAL PARTNERSHIPS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Tokuda).

S.B. No. 2759:

On motion by Senator English, seconded by Senator Gabbard and carried, S.B. No. 2759, entitled: “A BILL FOR AN ACT RELATING TO DRIVER LICENSING,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Tokuda).

S.B. No. 2754:

On motion by Senator English, seconded by Senator Gabbard and carried, S.B. No. 2754, entitled: “A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Tokuda).

Senator Hee rose on a point of personal privilege as follows:

“Today, the honorable Richard Borreca... I don’t see him here so maybe he chummed the water, and then the shark came to bite and he disappeared. In any event, he wrote about frivolous bills and he named yours truly as introducing a frivolous bill—and he also named my friend who’s retiring from the Senate, but not as the frivolous bill but as one who joins me in introducing frivolous bills. And in this case his honor said: ‘The attempts at adult supervision were not enough to forestall Senator Clayton Hee’s call for a rigorous examination of banning the sale of foie gras produced by force-fed geese.’ Well, the Committee on Water, Land, Agriculture, and Hawaiian Affairs heard this bill—Mr. Borreca may be interested and maybe he’s not interested in understanding that such a ban presently is in place in the countries of Denmark, Finland, Germany, Luxembourg, Israel, Norway, Poland, Sweden, Switzerland, the United Kingdom, and the Czech Republic. Maybe the ‘rigorous examination,’ as his honor has written in today’s paper, doesn’t meet his standard, but I would invite him to stick a plastic straw down his throat—let alone a metal tube—and then come to the same conclusion. You know, I feel like I’m back in the 80’s when

Cayetano and Abercrombie used to make these profound criticisms back at those who criticize us.

“The other point of personal privilege is this: The other day—I can’t remember if it was yesterday or two days ago—before the Committee on Education, the interim superintendent said to a question I posed to her with regard to closing/consolidating elementary schools as a reasonable means of an alternative to saving taxpayers’ money, raising taxes, and having longer school hours for the students, the interim superintendent showed her wisdom, as someone who’s applying for the job, by looking back at the question and saying to me, ‘Senator, if we close an elementary school, we only save a half million dollars.’ Even if that were true, that’s a half million less to tax others. But it’s not true. There are 180 elementary schools in the State of Hawai’i. The average number of employee—which includes classified (which are janitors, cafeteria workers, secretaries) and educational officers (which include principals and vice principals and teachers)—the average number of employees at the 180 elementary schools is 58.55. If each employee were paid \$30,000, the average cost per school just for personnel is \$1.756 million. If the employee average were \$50,000, the average would be \$2.927 million. If the average were \$80,000, the average cost would be \$4.683. Those are A Funds. If you add 40 percent more in benefits, the cost for \$30,000 goes to 2.45 from 1.756; for \$50,000, goes from 2.9 to 4.0; and for \$80,000, 4.6 to 6.5. The average school teacher’s salary, according to HSTA, is about \$53,000. Those are the ones who make up the most live bodies in a school. So, we looked at what the average number of employees at the 180 schools; it was 58. So, we took a figure of \$50,000. So the average cost—personnel cost—at \$50,000 is \$2.9 million; with benefits at 40 percent, it’s 4.06. The interim superintendent, who’s applying to be superintendent, could reasonably argue that if you close the school, you still need to pay the employees. Unfortunately, the applicant for superintendent does not make the leap of faith, which really is not a leap; and that is, you redeploy those resources. Let me give you an example: There’s a development on prime ag land called Ho’opili, proposed to be developed by Jimmy Schuler and D.R. Horton. In the development are planned five elementary schools—five. So, if you closed or consolidated schools that have, as in some cases in my district, 75 students K-6, 113 students combination 5-6, if you closed those schools or consolidated so that you would have a larger number of pupils which would enhance education, that redeployment would save the cost of hiring 58 more employees times 5 in Ho’opili and save the taxpayer \$4.06 million if each school at Ho’opili were limited to 58 employees.

“I’m not a big fan of closing schools, but I recognize that during this time, what we have heard from the Board of Education and what we have heard from the Department of Education and what we have heard from the applicant herself is not how to do it, but why it can’t be done. And the day has come before this Legislature that more research needs to be done and less acceptance of scurrilous numbers provided by the Board of Education and the applicant for superintendent of education. You would not save a half million, but what you would do is redeploy those resources and save the cost of hiring additional employees of whom your grandchildren and their children will be saddled with the debt in the long-term. In the short-term, every retiree will be asked to pay a little more for students that they no longer have direct relationship to as parent-student. Thank you.”

At this time, the Chair made the following announcement:

“Referrals and re-referrals are made in accordance with the referrals and re-referrals listed on the Supplemental Order of the Day that may be distributed to your offices later this afternoon.”

REFERRAL OF HOUSE BILLS

The President made the following committee assignments of House bills received on Thursday, February 4, 2010; Monday, February 8, 2010; and Wednesday, February 10, 2010:

H.B. No.:	Referred to:
H.B. No. 1853	Committee on Education and Housing
H.B. No. 1900	Committee on Public Safety and Military Affairs
H.B. No. 2027, H.D. 1	Committee on Commerce and Consumer Protection
H.B. No. 2028	Committee on Commerce and Consumer Protection
H.B. No. 2633	Committee on Commerce and Consumer Protection

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions offered on Tuesday, February 2, 2010; Monday, February 8, 2010; and Tuesday, February 9, 2010:

S.C.R. No.:	Referred to:
S.C.R. No. 74	Jointly to the Committee on Human Services and the Committee on Transportation, International and Intergovernmental Affairs, then to the Committee on Judiciary and Government Operations
S.C.R. No. 75	Committee on Economic Development and Technology
S.C.R. No. 76	Committee on Transportation, International and Intergovernmental Affairs
S.C.R. No. 77	Committee on Water, Land, Agriculture, and Hawaiian Affairs, then to the Committee on Ways and Means
S.C.R. No. 78	Committee on Ways and Means

REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions offered on Friday, January 29, 2010; Tuesday, February 2, 2010; Monday, February 8, 2010; and Tuesday, February 9, 2010:

S. R. No.:	Referred to:
S.R. No. 29	Committee on Higher Education
S.R. No. 30	Jointly to the Committee on Human Services and the Committee on Transportation, International and Intergovernmental Affairs, then to the Committee on Judiciary and Government Operations
S.R. No. 31	Committee on Economic Development and Technology
S.R. No. 32	Committee on Transportation, International and Intergovernmental Affairs
S.R. No. 33	Committee on Water, Land, Agriculture, and Hawaiian Affairs, then to the Committee on Ways and Means

RE-REFERRAL OF A SENATE BILL

The Chair re-referred the following Senate bill that was introduced:

S.B. No.:	Re-referred to:
S.B. No. 2460	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Economic Development and Technology and the Committee on Ways and Means

ADJOURNMENT

At 11:50 a.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Thursday, February 11, 2010.