

## TWENTIETH DAY

## Thursday, February 18, 2010

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2010, convened at 11:39 a.m. with the President in the Chair.

The Divine Blessing was invoked Pastor Klayton Ko, First Assembly of God, after which the Roll was called showing all Senators present with the exception of Senator Hemmings who was excused.

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

At this time, the following introductions were made to the members of the Senate:

Senator Gabbard introduced his granddaughter Kila Johnson, who was visiting for a short time from New Zealand and would be helping out in his office.

Senator Chun Oakland introduced a group of students from Hālaulōkahi School who were accompanied by Kumu Hina, Kumu Adeline, Kumu Tiane, Kumu Keali'i, and Kumu Ku'ulei.

At this time, the members of the Senate rose as the students and their kumu sang "Hawai'i Pono'i".

Senator Slom introduced a group of 3<sup>rd</sup> grade students from Haha'ione Elementary School who were accompanied by their teachers Mrs. Griffith, Mrs. Ogata, and Mrs. Kimura and chaperones Mrs. Nakakura, Mr. Kohn, Mrs. Lee, Mr. Shigeta, Mr. Krendl, and Mrs. Cannon.

Senator Sakamoto recognized the Pearl Harbor Historic Sites Partners and commemorated the 65<sup>th</sup> anniversary of the end of World War II and the role of the USS Missouri in the surrender ceremony. Representing the Pearl Harbor Historic Sites Partners were Paul DePreu, Superintendent, Valor in the Pacific National Monument; Daniel Martinez, Historian, Valor in the Pacific National Monument; Michael Carr, Executive Director, Battleship Missouri Memorial; Gerald Hofwolt, Executive Director, USS Bowfin Submarine Museum and Park; Kenneth DeHoff, Executive Director, Pacific Aviation Museum – Pearl Harbor; and Claire Tamamoto, Pearl Harbor Historic Trail.

At 11:55 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:59 a.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 320 to 324) were read by the Clerk and were placed on file:

Gov. Msg. No. 320, dated February 11, 2010, transmitting the Hawaii Housing Finance and Development Corporation's 2009 Annual Report.

Gov. Msg. No. 321, dated February 12, 2010, transmitting a Report on the Expenditures for Chronic Disease Management and Control, prepared by the Department of Health pursuant to Act 162, Section 24, SLH 2009.

Gov. Msg. No. 322, dated February 12, 2010, transmitting the Director of Finance's Report, prepared by the Department of Budget and Finance pursuant to Act 162, SLH 2009.

Gov. Msg. No. 323, dated February 12, 2010, transmitting the Governor's Reports pursuant to Act 162, Sections 88, 90-95, 97, 99, 101, 102, 106-109, 112-114, 117, 119-121 and 131, SLH 2009.

Gov. Msg. No. 324, dated February 12, 2010, transmitting the Governor's Reports Relating to the Budget pursuant to Act 67, Sections 14, 18 and 23, SLH 2009.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 30 to 32) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 30, informing the Senate that the House has agreed to the amendments proposed by the Senate to H.B. No. 2162, H.D. 1, and H.B. No. 2162, H.D. 1, S.D. 1 passed Final Reading in the House of Representatives on February 16, 2010, was placed on file.

Hse. Com. No. 31, transmitting H.B. No. 2136, which passed Third Reading in the House of Representatives on February 17, 2010, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 2136, entitled: "A BILL FOR AN ACT RELATING TO DISTRIBUTIONS BY NONPROFIT CORPORATIONS," passed First Reading by title and was deferred.

Hse. Com. No. 32, transmitting H.B. No. 2286, which passed Third Reading in the House of Representatives on February 17, 2010, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 2286, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," 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. 2337) recommending that S.B. No. 1601, as amended in S.D. 1, be recommitted to the Committee on Water, Land, Agriculture, and Hawaiian Affairs.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1601, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," was recommitted to the Committee on Water, Land, Agriculture, and Hawaiian Affairs.

## ORDER OF THE DAY

## REFERRAL OF HOUSE BILLS

The President made the following committee assignments of House bills received on Thursday, February 4, 2010; Thursday, February 11, 2010; Friday, February 12, 2010; and Wednesday, February 17, 2010:

H.B. No.:	Referred to:
H.B. No. 134, H.D. 2	Committee on Transportation, International and Intergovernmental Affairs, then to the Committee on Judiciary and Government Operations
H.B. No. 939, H.D. 1	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Energy and Environment, then to the Committee on Transportation, International and Intergovernmental Affairs

H.B. No. 1190, H.D. 1	Committee on Transportation, International and Intergovernmental Affairs, then to the Committee on Judiciary and Government Operations	S.C.R. No. 82	Jointly to the Committee on Human Services and the Committee on Judiciary and Government Operations, then to the Committee on Ways and Means
H.B. No. 1684, H.D. 2	Committee on Water, Land, Agriculture, and Hawaiian Affairs, then to the Committee on Judiciary and Government Operations	S.C.R. No. 83	Committee on Commerce and Consumer Protection
H.B. No. 1862, H.D. 1	Committee on Judiciary and Government Operations	S.C.R. No. 84	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Judiciary and Government Operations
H.B. No. 1863, H.D. 1	Committee on Judiciary and Government Operations	S.C.R. No. 85	Committee on Health, then to the Committee on Ways and Means
H.B. No. 1992, H.D. 1	Committee on Judiciary and Government Operations	S.C.R. No. 86	Committee on Commerce and Consumer Protection
H.B. No. 2017	Committee on Transportation, International and Intergovernmental Affairs	S.C.R. No. 87	Jointly to the Committee on Education and Housing and the Committee on Human Services
H.B. No. 2077, H.D. 1	Committee on Education and Housing	S.C.R. No. 88	Committee on Public Safety and Military Affairs
H.B. No. 2197, H.D. 1	Committee on Energy and Environment, then to the Committee on Commerce and Consumer Protection	S.C.R. No. 89	Jointly to the Committee on Energy and Environment and the Committee on Transportation, International and Intergovernmental Affairs
H.B. No. 2254, H.D. 1	Committee on Judiciary and Government Operations	S.C.R. No. 90	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Energy and Environment, then to the Committee on Commerce and Consumer Protection
H.B. No. 2351	Jointly to the Committee on Public Safety and Military Affairs and the Committee on Transportation, International and Intergovernmental Affairs	S.C.R. No. 91	Jointly to the Committee on Human Services and the Committee on Judiciary and Government Operations, then to the Committee on Ways and Means
H.B. No. 2360	Committee on Commerce and Consumer Protection	S.C.R. No. 92	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Education and Housing
H.B. No. 2397, H.D. 1	Committee on Judiciary and Government Operations	S.C.R. No. 93	Jointly to the Committee on Education and Housing and the Committee on Transportation, International and Intergovernmental Affairs
H.B. No. 2427, H.D. 1	Jointly to the Committee on Energy and Environment and the Committee on Transportation, International and Intergovernmental Affairs	S.C.R. No. 94	Committee on Education and Housing
H.B. No. 2618, H.D. 1	Jointly to the Committee on Energy and Environment and the Committee on Transportation, International and Intergovernmental Affairs and the Committee on Water, Land, Agriculture, and Hawaiian Affairs	S.C.R. No. 95	Committee on Education and Housing, then to the Committee on Ways and Means
H.B. No. 2721, H.D. 1	Committee on Judiciary and Government Operations	S.C.R. No. 96	Committee on Labor, then to the Committee on Ways and Means

**REFERRAL OF  
SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions offered on Thursday, February 11, 2010; Friday, February 12, 2010; and Tuesday, February 16, 2010:

S.C.R. No.:	Referred to:	S.C.R. No. 97	Jointly to the Committee on Transportation, International and Intergovernmental Affairs and the Committee on Water, Land, Agriculture, and Hawaiian Affairs
S.C.R. No. 79	Committee on Human Services	S.C.R. No. 98	Committee on Health, then to the Committee on Ways and Means
S.C.R. No. 80	Jointly to the Committee on Human Services and the Committee on Public Safety and Military Affairs		
S.C.R. No. 81	Jointly to the Committee on Human Services and the Committee on Health		

**REFERRAL OF SENATE RESOLUTIONS**

The President made the following committee assignments of resolutions offered on Thursday, February 11, 2010; Friday, February 12, 2010; and Tuesday, February 16, 2010:

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| S.R. No.:   | Referred to:  |
| S.R. No. 34 | Committee on Human Services   |
| S.R. No. 35 | Jointly to the Committee on Human Services and the Committee on Public Safety and Military Affairs  |
| S.R. No. 36 | Committee on Public Safety and Military Affairs   |
| S.R. No. 37 | Committee on Commerce and Consumer Protection   |
| S.R. No. 38 | Jointly to the Committee on Education and Housing and the Committee on Human Services   |
| S.R. No. 39 | Jointly to the Committee on Energy and Environment and the Committee on Transportation, International and Intergovernmental Affairs   |
| S.R. No. 40 | Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Energy and Environment, then to the Committee on Commerce and Consumer Protection |

**RE-REFERRAL OF SENATE BILLS**

The Chair re-referred the following Senate bills that were introduced:

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| S.B. No.:             | Re-referred to:   |
| S.B. No. 2083, S.D. 1 | Jointly to the Committee on Education and Housing and the Committee on Human Services   |
| S.B. No. 2457         | Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Judiciary and Government Operations |
| S.B. No. 2838         | Jointly to the Committee on Judiciary and Government Operations and the Committee on Ways and Means                                 |

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 Order of the Day and the Supplemental Order of the Day that may be distributed to your offices later this afternoon.”

At this time, Senator Tsutsui welcomed back Senator Tokuda and congratulated her on the recent birth of her son Aden.

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

“Next week, it is rumored when we’re in recess that the U.S. House of Representatives is going to bring the Akaka bill to the floor of the House. What makes this most interesting is for the past three months after the bill passed out of House Committee and the Senate Indian Affairs Committee, there was talk about redoing the bill, amending the bill, modifying the bill, bringing all parties into discussion on the bill. And yet during that period of time, no one knows exactly what changes have been made, if any, and what the text of the bill actually looks like,

and yet people are going to be asked to vote on this bill next week. I’ve made the call in the Legislature before to have people in the State of Hawai’i vote on the Akaka bill, each county, and we have not done that. We’ve not discussed it. No one knows at this point what the text of that bill looks like.

“One of the members of the House Committee from Washington, Doc Hastings, made this comment: ‘Subdividing Americans into sovereign nations based on race or ethnicity is a serious matter and is something that should be debated openly, not in backrooms with restricted input. Whatever bill comes to the floor next week, I can only hope that the authors took time to address the serious constitutional issues of the underlying legislation.’ I couldn’t agree more. What this bill would do, if in fact it does pass in whatever form, is immediately to transform native Hawaiians into Indian tribes without their having input, discussion, or right to vote. I think that all of us should press for open discussion and the ability for all of our people to vote openly on this issue. Thank you, Madam President.”

At this time, the Chair made the following announcement:

“The five-day mandatory recess begins tomorrow and continues next week through Thursday, February 25.”

At 12:05 p.m., the Senate stood in recess subject to the call of the Chair.

At 12:05 p.m., the Senate reconvened.

**HOUSE COMMUNICATION**

On motion by Senator Sakamoto, seconded by Senator Slom and carried unanimously, the Clerk was authorized to receive a House communication transmitting H.B. No. 2169, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY.” In consequence thereof and subsequent to its recessing at 12:07 p.m., the Senate took the following actions:

Hse. Com. No. 33, transmitting H.B. No. 2169, H.D. 2, which passed Third Reading in the House of Representatives on February 18, 2010, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 2169, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY,” passed First Reading by title and was referred jointly to the Committee on Labor and the Committee on Ways and Means.

**ADJOURNMENT**

At 3:05 p.m., the Senate adjourned until 11:30 a.m., Friday, February 26, 2010.