

TWENTY-FOURTH DAY

Thursday, March 4, 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 Sam Slom, Hawai'i State Senate, 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 Twenty-Third Day.

At this time, the following introduction was made to the members of the Senate:

Senator Slom introduced guests from Allentown and Nazareth, Pennsylvania.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 338 to 341) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 338, submitting for consideration and confirmation to the Land Use Commission, the nomination of DUANE KANUHA, term to expire June 30, 2013, was referred to the Committee on Water, Land, Agriculture, and Hawaiian Affairs.

Gov. Msg. No. 339, submitting for consideration and confirmation to the Land Use Commission, the nomination of KYLE JAMES KALEO CHOCK, term to expire June 30, 2014, was referred to the Committee on Water, Land, Agriculture, and Hawaiian Affairs.

Gov. Msg. No. 340, submitting for consideration and confirmation to the Land Use Commission, the nomination of RONALD I. HELLER, term to expire June 30, 2014, was referred to the Committee on Water, Land, Agriculture, and Hawaiian Affairs.

Gov. Msg. No. 341, submitting for consideration and confirmation to the Land Use Commission, the nomination of RANSOM A.K. PILTZ, term to expire June 30, 2014, was referred to the Committee on Water, Land, Agriculture, and Hawaiian Affairs.

HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 253) was read by the Clerk and was disposed of as follows:

Hse. Com. No. 253, transmitting H.C.R. No. 54, which was adopted by the House of Representatives on March 3, 2010, was placed on file.

By unanimous consent, H.C.R. No. 54, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE UNITED STATES BUREAU OF THE CENSUS AND URGING ALL HAWAII RESIDENTS TO PARTICIPATE IN 2010," was deferred.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 126 to 146) were read by the Clerk and were deferred:

S.C.R. No. 126 "SENATE CONCURRENT RESOLUTION URGING THE UNITED NATIONS TO GRANT TAIWAN MEANINGFUL PARTICIPATION IN

THE INTERNATIONAL CIVIL AVIATION ORGANIZATION."

Offered by: Senator Hanabusa, by request.

S.C.R. No. 127 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO AUTHORIZE THE ESTABLISHMENT OF A NATIONAL MONUMENT FOR WOMEN IN WASHINGTON, D.C., TO RECOGNIZE AND HONOR THE LEADERSHIP CONTRIBUTIONS OF AMERICA'S WOMEN."

Offered by: Senator Hanabusa, by request.

S.C.R. No. 128 "SENATE CONCURRENT RESOLUTION ENCOURAGING ALL PUBLIC AND PRIVATE EMPLOYERS IN THIS STATE TO USE E-VERIFY TO CONFIRM EMPLOYEE WORKPLACE ELIGIBILITY."

Offered by: Senator Hanabusa, by request.

S.C.R. No. 129 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY, ANALYZE, AND PROVIDE A RECOMMENDATION ON THE MOST COST EFFECTIVE HEALTH BENEFIT INSURANCE PLAN TO PROVIDE TO ALL GOVERNMENT WORKERS THAT ARE CURRENTLY COVERED BY THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."

Offered by: Senators Kim, Chun Oakland, Kidani, Baker, English, Espero, Fukunaga, Gabbard, Galuteria, Green, Hee, Ige, Ihara, Nishihara, Sakamoto, Takamine, Taniguchi.

S.C.R. No. 130 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE IF SAVINGS MAY BE ACHIEVED BY HAVING THE HIGHWAYS, HARBORS, AND AIRPORTS DIVISIONS SHARE CERTAIN COMMON FUNCTIONS."

Offered by: Senators Kim, Green, Espero, Fukunaga, Gabbard, Galuteria, Hee, Hooser, Ige, Kidani, Nishihara, Takamine.

S.C.R. No. 131 "SENATE CONCURRENT RESOLUTION REQUESTING A COST-BENEFIT STUDY TO DETERMINE WHETHER LEASING INCOME CAN BE MAXIMIZED FROM AIRPORT AND HARBOR SPACE THROUGH THE USE OF RETAIL LEASING AGENTS."

Offered by: Senators Kim, Chun Oakland, Espero, Fukunaga, Gabbard, Galuteria, Green, Hee, Hooser, Ige, Kidani, Nishihara, Sakamoto, Takamine, Tokuda.

S.C.R. No. 132 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO FORMULATE AN EQUITABLE AND OBJECTIVE MEASURE FOR DISTRIBUTING TRANSPORTATION TAX REVENUE AND FEDERAL FUNDING FOR AIRPORT, HARBOR, AND HIGHWAY PROJECTS TO THE COUNTIES."

Offered by: Senators Kim, Chun Oakland, Espero, Gabbard, Galuteria, Green, Hee, Ige, Kidani, Nishihara, Takamine, Taniguchi, Tokuda.

S.C.R. No. 133 "SENATE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO

STUDY AND ASSESS HOW THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM MAY BE RESTRUCTURED AND ITS MISSION REDIRECTED.”

Offered by: Senators Kim, Chun Oakland, Espero, Fukunaga, Galuteria, Green, Hee, Hooser, Ige, Kidani, Nishihara, Sakamoto, Takamine, Tokuda.

S.C.R. No. 134 “SENATE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY TO DETERMINE WHETHER THE STATE PROCUREMENT OFFICE SHOULD CENTRALIZE THE PROVISION OF COMPLEX PROCUREMENT SERVICES.”

Offered by: Senators Kim, Chun Oakland, Fukunaga, Gabbard, Galuteria, Green, Hee, Hooser, Ige, Kidani, Nishihara, Takamine.

S.C.R. No. 135 “SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A JOINT GOVERNMENT AND PRIVATE SECTOR HUMAN RESOURCES TASK FORCE TO STUDY THE SIMPLIFICATION OF JOB CLASSIFICATIONS WITHIN STATE GOVERNMENT AND THE STREAMLINING OF OPERATIONS BETWEEN THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT AND LINE DEPARTMENTS.”

Offered by: Senators Kim, Chun Oakland, English, Espero, Fukunaga, Gabbard, Galuteria, Green, Hee, Hooser, Ige, Kidani, Nishihara, Takamine.

S.C.R. No. 136 “SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF STATE LAND ASSETS AND NATURAL RESOURCES AND A DETERMINATION OF THEIR UTILIZATION AND POTENTIAL FOR REVENUE GENERATION.”

Offered by: Senators Kim, Chun Oakland, Espero, Fukunaga, Gabbard, Galuteria, Green, Hee, Ige, Kidani, Nishihara, Takamine.

S.C.R. No. 137 “SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A JOINT PUBLIC AND PRIVATE SECTOR TASK FORCE TO ASSESS AND IDENTIFY WHICH CORE SERVICES SHOULD BE PROVIDED BY THE GOVERNMENT, THE APPROPRIATE LEVEL OF GOVERNMENT TO PROVIDE THOSE SERVICES, AND WHICH SERVICES MAY BE BETTER PROVIDED BY THE PRIVATE SECTOR OR THROUGH PUBLIC-PRIVATE PARTNERSHIPS.”

Offered by: Senators Kim, Chun Oakland, Espero, Fukunaga, Gabbard, Galuteria, Green, Hee, Hooser, Ige, Kidani, Nishihara, Sakamoto, Takamine.

S.C.R. No. 138 “SENATE CONCURRENT RESOLUTION REQUESTING A STATUS REPORT FROM THE HAWAII CAPITAL CULTURAL COALITION.”

Offered by: Senator Fukunaga.

S.C.R. No. 139 “SENATE CONCURRENT RESOLUTION CONVENING A JOINT LEGISLATIVE WORK GROUP TO DEVELOP RECOMMENDATIONS FOR INCENTIVES TO ASSIST FILM AND CREATIVE MEDIA AND DEFENSE AND DUAL-USE INDUSTRIES.”

Offered by: Senator Fukunaga.

S.C.R. No. 140 “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF

EDUCATION TO RESPOND TO KPMG’S RECOMMENDATIONS REGARDING IMPROVEMENTS TO THE DEPARTMENT’S OPERATIONS AND WORKFLOW.”

Offered by: Senators Sakamoto, Chun Oakland, Galuteria, Kidani.

S.C.R. No. 141 “SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF SYSTEMS OR PLANS THAT MAY ACCOMMODATE THE DEPARTMENT OF EDUCATION’S NEED TO RETAIN, PROMOTE, AND COMPETITIVELY COMPENSATE PROFESSIONAL EMPLOYEES IN CERTAIN AREAS WITHOUT REQUIRING THOSE EMPLOYEES TO ASSUME SUPERVISORY RESPONSIBILITIES.”

Offered by: Senators Sakamoto, Chun Oakland, Galuteria, Kidani, Tsutsui.

S.C.R. No. 142 “SENATE CONCURRENT RESOLUTION REQUESTING RESEARCH AND THE ESTABLISHMENT OF A POLICY GROUP TO INFORM THE DEPARTMENT OF EDUCATION’S DETERMINATION OF ITS CORE MISSION AND CORE FUNCTIONS.”

Offered by: Senators Sakamoto, Chun Oakland, Tsutsui, Galuteria, Kidani.

S.C.R. No. 143 “SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A SELF-HELP HOUSING TRUST FUND ADVISORY BOARD TO PREPARE FOR THE ADMINISTRATION AND OPERATION OF A SELF-HELP HOUSING TRUST FUND.”

Offered by: Senators Sakamoto, Chun Oakland, Galuteria, Kidani.

S.C.R. No. 144 “SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO MEET OR EXCEED OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION POSITION BENCHMARKS FOR WORKPLACE SAFETY AND HEALTH.”

Offered by: Senator Takamine.

S.C.R. No. 145 “SENATE CONCURRENT RESOLUTION PROCLAIMING 2010 AS THE YEAR OF ETHNIC STUDIES IN HAWAII.”

Offered by: Senator Taniguchi.

S.C.R. No. 146 “SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A HEALTH CARE REFORM TASK FORCE TO EVALUATE METHODS TO IMPROVE THE QUALITY, SAFETY, EFFICIENCY, AND COST OF HAWAII’S HEALTH CARE SYSTEM, TO REDUCE MEDICAL ERRORS AND INCREASE PATIENT SAFETY, TO SEEK SOLUTIONS TO ELIMINATE DOCTOR SHORTAGES, AND TO ADDRESS THE ROLE AND IMPACT OF THE LEGAL SYSTEM IN COMPENSATING VICTIMS INJURED BECAUSE OF MEDICAL ERRORS.”

Offered by: Senator Taniguchi.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 54 to 66) were read by the Clerk and were deferred:

S.R. No. 54 “SENATE RESOLUTION REQUESTING MEASURES TO EXPEDITE PROCEDURES IN THE LAND COURT AND REDUCE THE BACKLOG OF CASES.”

Offered by: Senator Hanabusa, by request.
 S.R. No. 55 "SENATE RESOLUTION
 CONVENING A JOINT LEGISLATIVE WORK GROUP TO
 DEVELOP RECOMMENDATIONS FOR INCENTIVES TO
 ASSIST FILM AND CREATIVE MEDIA AND DEFENSE
 AND DUAL-USE INDUSTRIES."

Offered by: Senator Fukunaga.

S.R. No. 56 "SENATE RESOLUTION
 REQUESTING A STATUS REPORT FROM THE HAWAII
 CAPITAL CULTURAL COALITION."

Offered by: Senator Fukunaga.

S.R. No. 57 "SENATE RESOLUTION
 REQUESTING THE LEGISLATIVE REFERENCE BUREAU
 TO STUDY, ANALYZE, AND PROVIDE A
 RECOMMENDATION ON THE MOST COST EFFECTIVE
 HEALTH BENEFIT INSURANCE PLAN TO PROVIDE TO
 ALL GOVERNMENT WORKERS THAT ARE CURRENTLY
 COVERED BY THE EMPLOYER-UNION HEALTH
 BENEFITS TRUST FUND."

Offered by: Senators Kim, Chun Oakland, Kidani,
 Baker, English, Espero, Fukunaga,
 Gabbard, Galuteria, Hee, Ige, Ihara,
 Nishihara, Sakamoto, Takamine.

S.R. No. 58 "SENATE RESOLUTION
 REQUESTING A STUDY TO DETERMINE IF SAVINGS
 MAY BE ACHIEVED BY HAVING THE HIGHWAYS,
 HARBORS, AND AIRPORTS DIVISIONS SHARE
 CERTAIN COMMON FUNCTIONS."

Offered by: Senators Kim, Espero, Fukunaga,
 Gabbard, Galuteria, Hee, Hooser, Ige,
 Kidani, Nishihara, Takamine.

S.R. No. 59 "SENATE RESOLUTION
 REQUESTING A COST-BENEFIT STUDY TO DETERMINE
 WHETHER LEASING INCOME CAN BE MAXIMIZED
 FROM AIRPORT AND HARBOR SPACE THROUGH THE
 USE OF RETAIL LEASING AGENTS."

Offered by: Senators Kim, Chun Oakland, Espero,
 Gabbard, Galuteria, Hee, Hooser, Ige,
 Kidani, Nishihara, Sakamoto, Takamine.

S.R. No. 60 "SENATE RESOLUTION
 REQUESTING A STUDY TO FORMULATE AN
 EQUITABLE AND OBJECTIVE MEASURE FOR
 DISTRIBUTING TRANSPORTATION TAX REVENUE
 AND FEDERAL FUNDING FOR AIRPORT, HARBOR, AND
 HIGHWAY PROJECTS TO THE COUNTIES."

Offered by: Senators Kim, Chun Oakland, Espero,
 Gabbard, Galuteria, Hee, Ige, Kidani,
 Nishihara, Takamine.

S.R. No. 61 "SENATE RESOLUTION
 ESTABLISHING A TASK FORCE TO STUDY AND
 ASSESS HOW THE DEPARTMENT OF BUSINESS,
 ECONOMIC DEVELOPMENT, AND TOURISM MAY BE
 RESTRUCTURED AND ITS MISSION REDIRECTED."

Offered by: Senators Kim, Chun Oakland, Espero,
 Galuteria, Hee, Hooser, Ige, Kidani,
 Nishihara, Sakamoto, Takamine.

S.R. No. 62 "SENATE RESOLUTION
 REQUESTING A FEASIBILITY STUDY TO DETERMINE
 WHETHER THE STATE PROCUREMENT OFFICE
 SHOULD CENTRALIZE THE PROVISION OF COMPLEX
 PROCUREMENT SERVICES."

Offered by: Senators Kim, Chun Oakland, Fukunaga,
 Gabbard, Galuteria, Hee, Hooser, Ige,
 Kidani, Nishihara, Takamine.

S.R. No. 63 "SENATE RESOLUTION
 REQUESTING THE ESTABLISHMENT OF A JOINT
 GOVERNMENT AND PRIVATE SECTOR HUMAN
 RESOURCES TASK FORCE TO STUDY THE
 SIMPLIFICATION OF JOB CLASSIFICATIONS WITHIN
 STATE GOVERNMENT AND THE STREAMLINING OF
 OPERATIONS BETWEEN THE DEPARTMENT OF
 HUMAN RESOURCES DEVELOPMENT AND LINE
 DEPARTMENTS."

Offered by: Senators Kim, Chun Oakland, English,
 Espero, Gabbard, Galuteria, Hee, Hooser,
 Kidani, Nishihara, Takamine.

S.R. No. 64 "SENATE RESOLUTION
 REQUESTING A STUDY OF STATE LAND ASSETS AND
 NATURAL RESOURCES AND A DETERMINATION OF
 THEIR UTILIZATION AND POTENTIAL FOR REVENUE
 GENERATION."

Offered by: Senators Kim, Chun Oakland, Espero,
 Fukunaga, Gabbard, Galuteria, Hee, Ige,
 Kidani, Nishihara, Takamine.

S.R. No. 65 "SENATE RESOLUTION URGING
 THE DEPARTMENT OF LABOR AND INDUSTRIAL
 RELATIONS TO MEET OR EXCEED OCCUPATIONAL
 SAFETY AND HEALTH ADMINISTRATION POSITION
 BENCHMARKS FOR WORKPLACE SAFETY AND
 HEALTH."

Offered by: Senator Takamine.

S.R. No. 66 "SENATE RESOLUTION
 PROCLAIMING 2010 AS THE YEAR OF ETHNIC STUDIES
 IN HAWAII."

Offered by: Senator Taniguchi.

STANDING COMMITTEE REPORTS

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2653) recommending that the Senate advise and consent to the nomination of BEVERLY C. WONG to the Statewide Council on Independent Living, in accordance with Gov. Msg. No. 266.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2653 and Gov. Msg. No. 266 was deferred until Friday, March 5, 2010.

Senator Sakamoto, for the Committee on Education and Housing, presented a report (Stand. Com. Rep. No. 2654) recommending that S.C.R. No. 21 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2654 and S.C.R. No. 21, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING PUBLIC AND PRIVATE SCHOOLS TO INCORPORATE MORE KINESTHETIC AND OTHER TYPES OF LEARNING INTO SCHOOL CURRICULA," was deferred until Friday, March 5, 2010.

Senator Sakamoto, for the Committee on Education and Housing, presented a report (Stand. Com. Rep. No. 2655) recommending that S.C.R. No. 28, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2655 and S.C.R. No. 28, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION TO EXPAND IMPLEMENTATION OF THE OFFER VERSUS SERVE

CONCEPT TO ALL PUBLIC SCHOOLS IN THE STATE TO FURTHER REDUCE FOOD AND MILK WASTE,” was deferred until Friday, March 5, 2010.

Senator Sakamoto, for the Committee on Education and Housing, presented a report (Stand. Com. Rep. No. 2656) recommending that S.C.R. No. 94, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2656 and S.C.R. No. 94, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING A REPORT ON TO THE ESTIMATED COST, COST SAVINGS, AND IMPACT OF PROVIDING AND EXPANDING ONLINE INSTRUCTION THROUGH THE HAWAII VIRTUAL LEARNING NETWORK’S PROGRAMS AND COURSES,” was deferred until Friday, March 5, 2010.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2657) recommending that S.C.R. No. 38, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2657 and S.C.R. No. 38, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION RECOMMENDING THAT THE KAPOLEI COURT COMPLEX BE RENAMED THE “RONALD T.Y. MOON JUDICIAL COMPLEX,”” was deferred until Friday, March 5, 2010.

At 11:39 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:40 a.m.

ORDER OF THE DAY

AGREE/DISAGREE

MATTERS DEFERRED FROM TUESDAY, MARCH 2, 2010

S.B. No. 466, S.D. 2 (H.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 466, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 898, S.D. 2 (H.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 898, S.D. 2, and requested a conference on the subject matter thereof.

At this time, the Chair said:

“Conferees will be named in accordance with the action sheets to be distributed to your offices at a later date.”

S.B. No. 549, S.D. 1 (H.D. 1):

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 549, S.D. 1.

At 11:41 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:42 a.m.

Senator Sakamoto seconded the motion.

Senator Baker noted:

“We are moving to agree to these amendments because these amendments are technical, non-substantive in nature and support the intent of the Senate draft we passed.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 549, S.D. 1, and S.B. No. 549, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE EXPRESS WARRANTY ENFORCEMENT,” was placed on the calendar for Final Reading on Friday, March 5, 2010.

S.B. No. 771, S.D. 1 (H.D. 1):

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 771, S.D. 1.

At 11:41 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:42 a.m.

Senator Sakamoto seconded the motion.

Senator Baker noted:

“We are moving to agree to these amendments because these amendments are technical, non-substantive in nature and support the intent of the Senate draft we passed.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 771, S.D. 1, and S.B. No. 771, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO APPRAISALS,” was placed on the calendar for Final Reading on Friday, March 5, 2010.

ADVISE AND CONSENT

Stand. Com. Rep. No. 2646 (Gov. Msg. No. 201):

Senator Green moved that Stand. Com. Rep. No. 2646 be received and placed on file, seconded by Senator Sakamoto and carried.

Senator Green then moved that the Senate advise and consent to the nomination of NATHAN E. SAY to the State Rehabilitation Council, term to expire June 30, 2011, seconded by Senator Sakamoto.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Chun Oakland, Hemmings, Ihara, Kim).

Stand. Com. Rep. No. 2647 (Gov. Msg. No. 202):

Senator Green moved that Stand. Com. Rep. No. 2647 be received and placed on file, seconded by Senator Sakamoto and carried.

Senator Green then moved that the Senate advise and consent to the nomination of NATHAN E. SAY to the Statewide Council on Independent Living, term to expire June 30, 2014, seconded by Senator Sakamoto.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Chun Oakland, Hemmings, Ihara, Kim).

Stand. Com. Rep. No. 2648 (Gov. Msg. No. 226):

Senator English moved that Stand. Com. Rep. No. 2648 be received and placed on file, seconded by Senator Gabbard and carried.

Senator English then moved that the Senate advise and consent to the nomination of EDWARD W. ENOS JR. to the Harbors Modernization Group, term to expire June 30, 2014, seconded by Senator Gabbard.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Chun Oakland, Hemmings, Ihara, Kim).

Stand. Com. Rep. No. 2649 (Gov. Msg. Nos. 227 and 228):

Senator English moved that Stand. Com. Rep. No. 2649 be received and placed on file, seconded by Senator Gabbard and carried.

Senator English then moved that the Senate advise and consent to the nominations to the Commission on Transportation of the following:

PETE G. PASCUA JR., term to expire June 30, 2014 (Gov. Msg. No. 227); and

LESTER H. FUKUDA, term to expire June 30, 2013 (Gov. Msg. No. 228),

seconded by Senator Gabbard.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Chun Oakland, Hemmings, Ihara, Kim).

Stand. Com. Rep. No. 2650 (Gov. Msg. No. 233):

Senator Hee moved that Stand. Com. Rep. No. 2650 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of SUE ANN M.M. HASEGAWA to the Island Burial Council, Island of Molokai, term to expire June 30, 2014, seconded by Senator Tokuda.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Chun Oakland, Hemmings, Ihara, Kim).

Stand. Com. Rep. No. 2651 (Gov. Msg. No. 240):

Senator Taniguchi moved that Stand. Com. Rep. No. 2651 be received and placed on file, seconded by Senator Takamine and carried.

Senator Taniguchi then moved that the Senate consent to the appointment of LISA M. GINOZA to the office of Associate Judge, Intermediate Court of Appeals, State of Hawaii, for a term of ten years, seconded by Senator Takamine.

Senator Taniguchi rose to speak in support of the nominee as follows:

“Madam President, your Committee on Judiciary and Government Operations heard from Ms. Ginoza, and we are convinced that she will serve well in her capacity as Associate Judge. Testimony received was overwhelmingly in support of Ms. Ginoza, including strong support from the Attorney General. We also received information from the Hawai‘i State Bar Association that Ms. Ginoza is qualified to serve as Associate Judge, and for these reasons I am asking my colleagues to support the consent of Ms. Ginoza as Associate Judge of the ICA. Thank you.”

Senator Slom rose to speak in support of the nominee as follows:

“I think that the hearings have shown that Ms. Ginoza has not only the background, the experience, the leadership, and the temperament to make her a fine addition to the Intermediate Court of Appeals. She also has a great deal of community

involvement, and she has shown that not only can she be a team player, but she has the ability to work with all kinds of people in the community, and we’re proud to support her. Thank you.”

Senator Baker rose to speak in support of the nominee as follows:

“Madam President, colleagues, while gender should not be an overriding issue for any consideration on this floor, I think it’s important to note that Ms. Ginoza will be a woman judge and add much needed gender balance in our Judiciary. So, I’m delighted that her name was sent down, and encourage our Governor to consider more women in her final appointments to the bench. Thank you.”

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Chun Oakland, Hemmings, Kim).

At this time, Senator Taniguchi introduced Judge Ginoza to the members of the Senate. Judge Ginoza was accompanied by her grandmother Grace Ohama, her father Rogers Ginoza, her brother Garrett Ginoza, and Brenda Tanaka.

Stand. Com. Rep. No. 2652 (Gov. Msg. No. 241):

Senator Taniguchi moved that Stand. Com. Rep. No. 2652 be received and placed on file, seconded by Senator Takamine and carried.

Senator Taniguchi then moved that the Senate consent to the appointment of ROBERT M. BROWNING to the office of Circuit Judge, Circuit Court of the First Circuit, State of Hawaii, for a term of ten years, seconded by Senator Takamine.

Senator Taniguchi rose to speak in support of the nominee as follows:

“Your Committee on Judiciary and Government Operations heard from Mr. Browning, and we are convinced, too, that he will serve well in his capacity as a circuit court judge. Testimony received was overwhelmingly in support of Judge Browning. We also received information from the Hawai‘i State Bar Association that Mr. Browning is qualified to serve as a circuit judge. For these reasons, I am asking my colleagues to support the consent of Mr. Browning as Circuit Court Judge of the First Circuit. Thank you, Madam President.”

Senator Slom rose to speak in support of the nominee as follows:

“Judge Browning has excellent qualifications, background, and experience. He’s been a family court judge, and in very difficult areas, he has created many innovative programs, including the full implementation of the Juvenile Drug Court and also Project Visitation. And while he is not a woman, he was growing up in Japan as a redhead, and so I think that qualifies him to be on the court, and we look forward to having his expertise. Thank you.”

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Chun Oakland, Hemmings, Kim).

At this time, Senator Taniguchi introduced Judge Browning to the members of the Senate. Judge Browning was accompanied by his wife Ella and son Isiah.

At 11:49 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 a.m.

ADOPTION OF RESOLUTIONS

Stand. Com. Rep. No. 2640 (S.C.R. No. 32, S.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 32, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A HAWAII STATE FALL PREVENTION TASK FORCE TO DEVELOP A STATEWIDE APPROACH TO REDUCING FALLS AMONG OLDER ADULTS," was adopted.

Stand. Com. Rep. No. 2641 (S.R. No. 23, S.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 23, S.D. 1, entitled: "SENATE RESOLUTION ESTABLISHING A HAWAII STATE FALL PREVENTION TASK FORCE TO DEVELOP A STATEWIDE APPROACH TO REDUCING FALLS AMONG OLDER ADULTS," was adopted.

Stand. Com. Rep. No. 2642 (S.C.R. No. 31, S.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 31, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION EXTENDING THE DEADLINE FOR THE HOME FOR LIFE TASK FORCE TO REPORT ITS FINDINGS AND RECOMMENDATIONS FOR REDUCING BARRIERS TO AGING IN PLACE AND FACILITATING MULTIGENERATIONAL LIVING," was adopted.

Stand. Com. Rep. No. 2643 (S.R. No. 24, S.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 24, S.D. 1, entitled: "SENATE RESOLUTION EXTENDING THE DEADLINE FOR THE HOME FOR LIFE TASK FORCE TO REPORT ITS FINDINGS AND RECOMMENDATIONS FOR REDUCING BARRIERS TO AGING IN PLACE AND FACILITATING MULTIGENERATIONAL LIVING," was adopted.

Stand. Com. Rep. No. 2644 (S.C.R. No. 76):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 76, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO RECOMMEND STATUTORY AMENDMENTS TO ADDRESS THE SAFE AND PROPER OPERATION OF BICYCLES, MOPEDS, TWO-SEAT MOPEDS, SEGWAYS, HYBRID BICYCLES, AND POWERFUL MOPEDS," was adopted.

Stand. Com. Rep. No. 2645 (S.R. No. 32):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 32, entitled: "SENATE RESOLUTION REQUESTING A STUDY TO RECOMMEND STATUTORY AMENDMENTS TO ADDRESS THE SAFE AND PROPER OPERATION OF BICYCLES, MOPEDS, TWO-SEAT MOPEDS, SEGWAYS, HYBRID BICYCLES, AND POWERFUL MOPEDS," was adopted.

THIRD READING

Stand. Com. Rep. No. 2632 (S.B. No. 2534, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2632 was adopted and S.B. No. 2534, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BAIL," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Hemmings, Kim).

Stand. Com. Rep. No. 2633 (S.B. No. 2897, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2633 was adopted and S.B. No. 2897, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Hemmings, Kim).

H.B. No. 2077, H.D. 1, S.D. 1:

On motion by Senator Sakamoto, seconded by Senator Kidani and carried, H.B. No. 2077, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Hemmings, Kim).

S.B. No. 2527, S.D. 2:

On motion by Senator Hee, seconded by Senator Tokuda and carried, S.B. No. 2527, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Gabbard). Excused, 2 (Hemmings, Kim).

S.B. No. 2738, S.D. 2:

On motion by Senator Hee, seconded by Senator Tokuda and carried, S.B. No. 2738, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE LEGACY LAND CONSERVATION COMMISSION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Hemmings, Kim).

S.B. No. 2395, S.D. 2:

On motion by Senator Tsutsui, seconded by Senator Taniguchi and carried, S.B. No. 2395, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (Hemmings, Kim).

At this time, Senator Galuteria rose on a point of personal privilege and said:

"Colleagues, I apologize for my absence yesterday. I know you missed me, but I was attending to a personal matter. I've been told that during my absence, one of our good Senators from Maui rose and tried to circumvent Senate protocol, I might add, by not stating the purpose for which he rose. I do know that, Madam President, he wanted to simply proclaim loudly the word 'Food Bank' and that is the point to which I rise.

"I want to thank him, and I am honored to thank him, as a matter of fact. Thank you very much, and thank you all for participating. Thus far, we're on track, colleagues, and with your indulgence, instead of sharing the first three point-getters in our very informal competition, I'd like to name the bottom three. That's okay. I felt anxiety, immediate anxiety, so let's mention the top three instead. Okay, in the third position, Senator Ige, thank you so much. Senator Gabbard, number two; and leading the membership at this point is Senator Kim. She's not here today. I will have three cans of Spam delivered to each one of your offices, and I would appreciate it if you'd send them back, okay? Mahalo nui loa. Please keep it up, everybody. Watch out for the upcoming events. Thank you to Senator Tokuda for bringing baby Aden to illustrate the diaper drive that is going on right now. If you have any canned goods to donate, please let my office know. Mahalo. Thank you, Madam President."

Senator Ige rose on a point of personal privilege and said:

“I forgot to make the announcement during announcements, but we are having a flu vaccination, H1N1 flu vaccination, to benefit Food Bank tomorrow. So if you’re an HMSA member, please don’t forget to bring your HMSA card, but Kaiser will also be here; and for those of you who are not in either of those plans, there will be a free vaccination for members. I just wanted to remind everybody as we head into the home stretch for the session, getting your flu vaccination would be a good idea to keep the offices healthy. 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 today.”

RE-REFERRAL OF A HOUSE BILL

The Chair re-referred the following House bill that was received:

H.B. No.:	Re-referred to:
H.B. No. 1926, H.D. 2	Jointly to the Committee on Economic Development and Technology and the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means

ADJOURNMENT

At 12:03 p.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Friday, March 5, 2010.