

## THIRTIETH DAY

Friday, March 12, 2010

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2010, convened at 11:32 a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Rosalyn H. Baker, Hawai'i State Senate, after which the Roll was called showing all Senators present with the exception of Senators Bunda and Hooser who were excused.

The President announced that she had read and approved the Journal of the Twenty-Ninth Day.

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

Senators Kokubun, Sakamoto, Hemmings, Gabbard, Taniguchi, Espero, Slom, Galuteria, Tokuda, and Chun Oakland introduced the following Hawai'i Leader for a Day legislative shadows: Keolaokakai Kuhaulua Kana'e from Ke Kula 'O Nāwahīokalani'ōpu'u; Ashley Castaneda from Waipahu Intermediate School; Connie Kim from 'Aiea High School; Brighton Rowley from Waialua High and Intermediate School; Max Irons from Kailua Intermediate School; Juanito Moises, Jr. from Waipahu Intermediate School; Jeremiah Repollo from Waialua High and Intermediate School; Jennifer Yamaguchi from 'Aiea High School; Ross Ledda from Kailua Intermediate School; and Hannelore Rolwing from Lahainaluna High School;

Senator Ige noted that March was National Social Work month and introduced students from Brigham Young University, Hawai'i Pacific University, and the University of Hawai'i at Mānoa who were brought to the Capitol by the National Association of Social Workers to learn about the legislative process and participate in a panel presentation on health care.

Senators Slom, Takamine, Fukunaga, and Hemmings introduced and congratulated Junior Achievement of Hawaii and honored the following 2010 Hawaii Business Hall of Fame laureates: Barry K. Taniguchi of KTA Superstores; Anthony R. Guerrero, Jr. of First Hawaiian Bank; and Tyrie Jenkins, M.D. of Tyrie Jenkins, M.D. Eye Care. Accompanying the laureates was Mr. M. Steven Grant, President of Junior Achievement of Hawaii. Accompanying Mr. Guerrero were his wife Haunani Guerrero and his sister Momi Keaulana. Accompanying Dr. Jenkins were her husband George Norcross, daughter Lindsay Norcross, daughter Annie Hiller, Doug Hiller, and friends Ms. Barbara Pleadwell, Ms. Pamela Utu, Ms. Valerie Bareng, Ms. Yolani Lacar, Ms. Stephanie Mediowski, and Ms. Dannie Lovato.

Senator Espero recognized all National Guard units, as well as the 100<sup>th</sup> battalion and the 442<sup>nd</sup> infantry regiment, that were deployed to the Middle East. Representing the Hawaii National Guard was Major General Robert G. F. Lee. Representing the 29<sup>th</sup> Infantry Brigade Combat Team were Commander Colonel Bruce Oliveria and Command Sergeant Major Philip Umali. Representing the airmen and airwomen of the Hawaii Air National Guard and the 154<sup>th</sup> Security Forces Squadron was Chief Master Sergeant Ray Duropan.

Senator Espero also recognized the following attendees who were seated in the gallery: Representing the 100<sup>th</sup> battalion 442<sup>nd</sup> Infantry Regiment was Lieutenant Colonel Michael Peeters. Representing the 1<sup>st</sup> Squadron 299<sup>th</sup> Cavalry Regiment was Lieutenant Colonel Rudolph Ligsay. Representing the 1<sup>st</sup> Battalion 487<sup>th</sup> Field Artillery was Lieutenant Colonel Robert Leshner. Representing the 29<sup>th</sup> Brigade Special Troops Battalion was Lieutenant Colonel Moses Kaiwi. Representing the 29<sup>th</sup>

Brigade Support Battalion was Lieutenant Colonel Keith Yoshida. Representing the 201<sup>st</sup> Combat Communications Group was Technical Sergeant Darrilyn Lee. Also recognized were all members of the Hawaii National Guard that were seated in the gallery.

At 12:14 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:21 p.m.

## MESSAGE FROM THE GOVERNOR

The following message from the Governor (Gov. Msg. No. 358) was read by the Clerk and was placed on file:

Gov. Msg. No. 358, informing the Senate that on March 11, 2010, the Governor signed into law House Bill No. 2169, H.D. 2 as Act 2, entitled: "RELATING TO EMPLOYMENT SECURITY."

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 264 and 265) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 264, returning S.B. No. 1059, S.D. 2, as amended in H.D. 3, which passed Third Reading in the House of Representatives on March 11, 2010, was placed on file.

By unanimous consent, action on S.B. No. 1059, S.D. 2 (H.D. 3), entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," was deferred until Monday, March 15, 2010.

Hse. Com. No. 265, transmitting H.C.R. No. 5, which was adopted by the House of Representatives on March 11, 2010, was placed on file.

By unanimous consent, H.C.R. No. 5, entitled: "HOUSE CONCURRENT RESOLUTION HONORING THE INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT PROGRAM OF ACTION ON THE OCCASION OF ITS FIFTEENTH ANNIVERSARY AND URGING THE UNITED STATES TO RE-COMMIT TO THE ERADICATION OF GLOBAL POVERTY AND GENDER INEQUALITY," was deferred.

## STANDING COMMITTEE REPORTS

Senator Hee, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2701) recommending that the Senate advise and consent to the nominations to the Kahana Valley Living Park Planning Council of the following:

MAY LEILANI AU, in accordance with Gov. Msg. No. 306;

RICHARD K. PAGLINAWAN, in accordance with Gov. Msg. No. 308;

BENJAMIN DANIEL SHAFER, in accordance with Gov. Msg. No. 309; and

LAUREN A. TANAKA, in accordance with Gov. Msg. No. 310.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2701 and Gov. Msg. Nos. 306, 308, 309, and 310 was deferred until Monday, March 15, 2010.

Senator Hee, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2702) recommending that the Senate advise and consent to the nomination of WILSON N.K. KANAKAOLE to the Island

Burial Council, Islands of Maui and Lanai, in accordance with Gov. Msg. No. 313.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2702 and Gov. Msg. No. 313 was deferred until Monday, March 15, 2010.

Senator Hee, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2703) recommending that S.C.R. No. 50, as amended in S.D. 1, 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.C.R. No. 50, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 91-1139 KAMAHAHA LOOP, KAPOLEI, HAWAII," 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. 2704) recommending that S.C.R. No. 51, as amended in S.D. 1, 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.C.R. No. 51, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 91-1072 WELOWELO STREET, KAPOLEI, HAWAII," 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. 2705), recommending that S.C.R. No. 69 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.C.R. No. 69, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE SALE OF STATE RECLAIMED LAND AT KAALAEA, KOOLAUPOKO, OAHU, FOR PRIVATE PROPERTY PURPOSES," 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. 2706), recommending that S.C.R. No. 77 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.C.R. No. 77, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FOLLOW-UP AUDIT OF THE MANAGEMENT OF STATE BOATING FACILITIES BY THE DIVISION OF BOATING AND OCEAN RECREATION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," 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. 2707), recommending that S.R. No. 33 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.R. No. 33, entitled: "SENATE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FOLLOW-UP AUDIT OF THE MANAGEMENT OF STATE BOATING FACILITIES BY THE DIVISION OF BOATING AND OCEAN RECREATION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was referred to the Committee on Ways and Means.

Senator Espero, for the majority of the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 2708) recommending that S.C.R. No. 88, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2708 and S.C.R. No. 88, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR REPEAL OF THE DON'T ASK DON'T TELL POLICY OF THE UNITED STATES ARMED SERVICES," was deferred until Monday, March 15, 2010.

Senator Espero, for the majority of the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 2709) recommending that S.R. No. 36, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2709 and S.R. No. 36, S.D. 1, entitled: "SENATE RESOLUTION EXPRESSING SUPPORT FOR REPEAL OF THE DON'T ASK DON'T TELL POLICY OF THE UNITED STATES ARMED SERVICES," was deferred until Monday, March 15, 2010.

Senator English, for the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2710) recommending that H.B. No. 2297, H.D. 2, 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 H.B. No. 2297, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SUN SCREENING DEVICES," 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. 2711) recommending that H.B. No. 1978, H.D. 2, 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 H.B. No. 1978, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOWING," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator English, for the majority of the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2712) recommending that H.B. No. 2667, H.D. 2 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 H.B. No. 2667, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FERRIES," 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. 2713) recommending that H.B. No. 2604, H.D. 2, 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 H.B. No. 2604, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING,"

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. 2714) recommending that H.B. No. 2708, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2708, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 15, 2010.

Senators Chun Oakland and Espero, for the Committee on Human Services and the Committee on Public Safety and Military Affairs, presented a joint report (Stand. Com. Rep. No. 2715) recommending that S.C.R. No. 80, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2715 and S.C.R. No. 80, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PROVISION OF EDUCATION TO INCARCERATED PARENTS TO ENSURE CHILD SUPPORT ISSUES ARE ADDRESSED WITHOUT DELAY AND UPON RELEASE, TO PREPARE THEM FOR REINTEGRATION WITH THEIR CHILDREN AND FAMILIES, INCLUDING GRANDPARENTS WHO HAVE RAISED THEIR CHILDREN," was deferred until Monday, March 15, 2010.

Senators Chun Oakland and Espero, for the Committee on Human Services and the Committee on Public Safety and Military Affairs, presented a joint report (Stand. Com. Rep. No. 2716) recommending that S.R. No. 35, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2716 and S.R. No. 35, S.D. 1, entitled: "SENATE RESOLUTION URGING THE PROVISION OF EDUCATION TO INCARCERATED PARENTS TO ENSURE CHILD SUPPORT ISSUES ARE ADDRESSED WITHOUT DELAY AND UPON RELEASE, TO PREPARE THEM FOR REINTEGRATION WITH THEIR CHILDREN AND FAMILIES, INCLUDING GRANDPARENTS WHO HAVE RAISED THEIR CHILDREN," was deferred until Monday, March 15, 2010.

At this time, the Chair made the following announcement:

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

At 12:22 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:23 p.m.

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

"By explanation, I was merely trying to explain to the Majority Floor Leader that Tony Guerrero got his job by saying he was a St. Louis graduate because Walter Dodds went to St. Louis. He had his fingers crossed behind his back because he really went to Kamehameha. Thank you."

#### ADJOURNMENT

At 12:24 p.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Monday, March 15, 2010.