

THIRTY-FOURTH DAY

Thursday, March 18, 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 Vice President in the Chair.

The Divine Blessing was invoked by Mr. Brandon Elefante, Office of the Honorable Will Espero, Hawai'i State Senate, after which the Roll was called showing all Senators present with the exception of Senators Bunda, Hanabusa, and Hemmings who were excused.

The Vice President announced that he had read and approved the Journal of the Thirty-Third Day.

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

Senator Chun Oakland introduced participants of the State Council on Developmental Disabilities' 11th Annual "Day at the Capitol" event from Hilo, Kea'au, Papaikou, Captain Cook, Kailua-Kona, and Kealahou on the Big Island; from Elelee, Kapa'a, Kilauea, Lihue, and Waimea on Kaua'i; from Makawao, Pukalani, and Wailuku on Maui; and from 'Ewa, Honolulu, Makakilo, Pearl City, Kaneohe, Mililani, Waianae, and Wahiawa on O'ahu. The participants would be touring the Capitol, attending relevant public hearings, and meeting with legislators to discuss their issues and concerns as well as developmental disabilities measures pending before the Legislature.

Senator Sakamoto introduced Mr. Ronn Nozoe, Deputy Superintendent of the Department of Education.

Senator Sakamoto recognized and congratulated Mr. Wally Amos, a literacy advocate, for his service and dedication to improving literacy in Hawai'i. Mr. Amos was accompanied by Mr. Scott McKenzie, Alison Au Puck, Ken Strichter, Chris Farley, Mapu Magbaleta, the Chip & Cookie mascots, Joy Yamazaki, and Brad Blaisdell.

Senator Sakamoto, with the assistance of Senators English, Kidani, Ige, and Kim, introduced the following outstanding educators and congratulated them on their accomplishments: Ms. Janice Espiritu, Principal of Kaunakakai Elementary School, recipient of the 2009 Masayuki Tokioka Award; and Ms. Lisa-Anne Tsuruda, Mililani High School, recipient of the 2009 National Milken Educator Award. Also recognized were Ms. Liane Tanigawa of Pearlridge Elementary School and Ms. Seanyelle Yagi of Kalākaua Middle School, recipients of the 2008 Presidential Awards for Excellence in Mathematics and Science Teaching, who were not able to attend.

Ms. Espiritu was accompanied by her daughters Ms. Joan Tanabe and Ms. Joy Espiritu; sisters Diane Shimada and Jean Ige; her mentors Ms. Rose Yamada and Ms. Ruby Hirashi; Ms. Leila Naka, literacy consultant; Ms. Lindsay Ball, Complex Area Superintendent; Ms. Beverly Wong and Ms. Jeannine Fujimori, literacy specialists at Kamehameha Schools; as well as Mr. Tyler Tokioka of First Insurance Company of Hawaii, Ltd., the son of Masayuki Tokioka.

Ms. Tsuruda was accompanied by her husband Derek; Ms. Luella Costales, a Mililani Mauka neighborhood board member; and her son William Nakao, a former student of Ms. Espiritu.

Senator Tsutsui recognized and congratulated the Hawaii Alliance of Boys and Girls Clubs 2010 Youth of the Year candidates including Anne Lorraine Ares, Zachary Jarman, Linda Leifi, Meghan McGrath, and Meko Thompson. Also recognized were numerous individuals associated with the

Hawaii Alliance of Boys and Girls Clubs who were seated in the gallery.

At 11:58 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:05 p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 365 and 366) were read by the Clerk and were placed on file:

Gov. Msg. No. 365, informing the Senate that on March 17, 2010, the Governor signed into law Senate Bill No. 2812, S.D. 1 as Act 7, entitled: "RELATING TO CAPTIVE INSURANCE COMPANIES."

Gov. Msg. No. 366, informing the Senate that on March 17, 2010, the Governor signed into law Senate Bill No. 2015, S.D. 1 as Act 8, entitled: "RELATING TO INTRASTATE TELECOMMUNICATIONS SERVICES."

HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 269) was read by the Clerk and placed on file:

Hse. Com. No. 269, returning S.B. No. 2699, S.D. 1, which passed Third Reading in the House of Representatives on March 17, 2010.

STANDING COMMITTEE REPORTS

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2750) recommending that H.B. No. 2464, 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. 2464, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRACTICE OF PHARMACY," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Hee, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2751) recommending that H.B. No. 2083, H.D. 1, 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. 2083, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MILK LABELING," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Espero, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 2752) recommending that H.B. No. 2383, H.D. 1, 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 H.B. No. 2383, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FLAGS," 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. 2753) recommending that H.B. No. 1808, H.D. 3, 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 H.B. No. 1808, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL AREAS," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Sakamoto, for the Committee on Education and Housing, presented a report (Stand. Com. Rep. No. 2754) recommending that H.B. No. 2740, H.D. 1, 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. 2740, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS," 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. 2755) recommending that H.B. No. 2094 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. 2094, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HAWAII PACIFIC HEALTH," 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. 2756) recommending that H.B. No. 2084, H.D. 1, 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 H.B. No. 2084, H.D. 1, 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 Chun Oakland and Baker, for the Committee on Human Services and the Committee on Commerce and Consumer Protection, presented a joint report (Stand. Com. Rep. No. 2757) recommending that H.B. No. 2087, H.D. 1, 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 H.B. No. 2087, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," 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. 2758) recommending that H.B. No. 2657, H.D. 1, 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. 2657, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2759) recommending that H.B. No. 2091, H.D. 1, 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. 2091, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID ELIGIBILITY," 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. 2760) recommending that H.B. No. 2266, H.D. 1, 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. 2266, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," 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. 2761) recommending that H.B. No. 415, 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. 415, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," 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. 2762) recommending that H.B. No. 2171, H.D. 1, 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 H.B. No. 2171, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," 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. 2763) recommending that H.B. No. 2294, 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. 2294, H.D. 2, 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.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2764) recommending that H.B. No. 2086, H.D. 2, 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 H.B. No. 2086, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE DATA," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2765) recommending that H.B. No. 2349, H.D. 1, 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 H.B. No. 2349, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VIOLENCE AGAINST HEALTH CARE PERSONNEL," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2766) recommending that H.B. No. 2575, H.D. 2, 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 H.B. No. 2575, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAUMA," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2767) recommending that H.B. No. 2661, H.D. 2, 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 H.B. No. 2661, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2768) recommending that H.B. No. 2152, H.D. 1, 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. 2152, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES," 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. 2769) recommending that H.B. No. 2801, 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. 2801, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR HAWAII HEALTH SYSTEMS CORPORATION FOR OPERATIONAL COSTS," 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. 2770) recommending that H.B. No. 1853, 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. 1853, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 22, 2010.

Senator English, for the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2771) recommending that the Senate advise and consent to the nomination of MICHAEL TRESLER, CPA to the Commission on Transportation, in accordance with Gov. Msg. No. 352.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2771 and Gov. Msg. No. 352 was deferred until Friday, March 19, 2010.

Senator Hee, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2772) recommending that the Senate advise and consent to the nomination of KAIWI NUI YOON to the Legacy Land Conservation Commission, in accordance with Gov. Msg. No. 316.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2772 and Gov. Msg. No. 316 was deferred until Friday, March 19, 2010.

ORDER OF THE DAY

ADOPTION OF A RESOLUTION

MATTER DEFERRED FROM WEDNESDAY, MARCH 17, 2010

Stand. Com. Rep. No. 2749 (H.C.R. No. 67, S.D. 1):

Senator Sakamoto moved that Stand. Com. Rep. No. 2749 and H.C.R. No. 67, S.D. 1 be adopted, seconded by Senator Slom.

Senator Slom requested that his vote be cast "no" and the Chair so ordered.

The motion was put by the Chair and carried, the joint report of the majority of the Committees was adopted and H.C.R. No. 67, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PASS LEGISLATION THAT PROMOTES JOBS AND INNOVATIVE ENERGY DEVELOPMENT, HEIGHTENS NATIONAL ENERGY AND ECONOMIC SECURITY, POSITIONS THE UNITED STATES TO BE AN INTERNATIONAL LEADER IN THE FIELD OF CLEAN ENERGY, AND ADDRESSES THE CONSEQUENCES OF CLIMATE CHANGE WITHOUT PREEMPTING STATES' RIGHTS TO CONTROL EMISSIONS AND TO PROMOTE RENEWABLE ENERGY," was adopted with Senator Slom voting "No".

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."

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. 865, H.D. 1 Committee on Ways and Means

RE-REFERRAL OF A SENATE RESOLUTION

The Chair re-referred the following Senate resolution that was offered:

S.R. No.:	Re-referred to:
S.R. No. 29	Committee on Higher Education, then to the Committee on Ways and Means

ADJOURNMENT

At 12:10 p.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Friday, March 19, 2010.