

THIRTY-NINTH DAY

Monday, March 29, 2010

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2010, convened at 11:38 a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Frank Diehl, Tree of Life Christian Ministries, after which the Roll was called showing all Senators present.

The President announced that she had read and approved the Journal of the Thirty-Eighth Day.

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

Senator Kidani introduced a group of 3rd grade students from Mililani 'Ike Elementary School, who were accompanied by their teachers Melanie Honda, Kris Tanioka, Jamie Ueyama, and Randi Shibuya; and chaperones Jennifer Hera, Yumi Gilliland, Michelle Yamashiro, Gloria Lau, Mary Vogt, Terri Lane, Lia Patrick, Jacie Muramoto, Shauna Garcia, Joni Hirasu, Shannen Osborne, Ryan and Carianne Komata, Diane Yoshimura, and Tammy Yasuda.

Senator Sakamoto introduced members from the Hawaii Charter School network and other members of the charter school community who were seated in the gallery.

Senator Fukunaga, with the assistance of Senators Hee, Slom, Baker, Takamine, Kokubun, and Tokuda, recognized and congratulated the following United States Small Business Administration's 2010 State of Hawai'i Awardees:

Steven Baldrige of Baldrige & Associates Structural Engineering, Inc. (Small Business Person of the Year), along with Lori Honda, Kevin Sakamoto and Kevin Kaji who nominated Steven for this award;

In Chul Kang of HJ Inc, dba as Sunset Chevron (Entrepreneurial Success of the Year), along with Jay Jean who nominated In Chul for this award;

David Erdman, President and CEO of PRTech, LLC (Small Business Exporter of the Year), who was accompanied by Galileo Tan who nominated David for this award, as well as David's enthusiastic employees, wife, and colleagues;

Kerry Honda of Pine Isle Market (SBA Family-Owned Small Business of the Year), along with Mr. Ernest Magaoay who nominated Kerry for this award;

Leslie Mullens of The Playbook Consulting Group (Financial Services Champion of the Year), along with Paul Felix who nominated Leslie for this award;

Derek Kurisu of KTA Superstores/Mountain Apple Brand (Minority Small Business Champion of the Year), along with Derek's brother Dwayne Kurisu;

Brent Norris of Green Collar Technologies (Home-Based Business Champion of the Year) who was unable to attend, along with Stacey Chun Fat who nominated Brent for this award and was also unable to attend;

Cherylle Morrow of Hawaii Women's Business Center (Women in Business Champion of the Year), along with Taylor Kirihara who nominated Cherylle for this award; and

Rojelio Herrera, Jr. and James C. Lewis of ComCom Technologies (Veteran's Business Champion of the Year), along with Davin Nakasato who nominated Rojelio and James for the award;

Also recognized were Jane Sawyer, the newly appointed Director of the Small Business Association Hawai'i District office; and Candace Hahn, the Small Business Week Coordinator.

Senator Taniguchi recognized and congratulated United Fishing Agency, Ltd. for its leadership achievements in service to the food and seafood industry of Hawai'i for more than 57 years, and extended best wishes for continued success in all future endeavors, including new collaborative educational and visitor-oriented activities to inform people of the important cultural, health, and economic roles of the fishing and seafood industry. United Fishing Agency, Ltd. was represented by Mr. Akira Otani, Chairman of United Fishing Agency, who was accompanied by Mr. Brooks Takenaka, Treasurer and Assistant Manager for United Fishing Agency. Also recognized from United Fishing Agency were Mr. Frank Goto, Secretary and General Manager, who was unable to attend; Mr. Danny Otani, President; Mr. Floyd Otani, Vice President; and Mr. Dexter Okada, Vice President and Director.

Senator Taniguchi also recognized the following guests from various associated industries and organizations:

Representing the commercial fishing industry were Scott Barrow, General Manager of Hawaii Longline Association; and Jim Cook, Pacific Ocean Producers;

Representing Hawaii's seafood industry were Bruce Johnson, President of Fresh Island Fish; Guy Tamashiro, Tamashiro Market; Bob Fram, Garden & Valley Island Seafood; Gary Ishimoto, Diamond Head Seafood; and Damon Johnson, Honolulu Fish Company;

Representing the National Oceanic and Atmospheric Administration (NOAA) Pacific Island Fisheries Science Center were Samuel Pooley, Director, and staff from the Fishery Biology and Stock Assessment and Fisheries Monitoring Branches;

Representing the fishing clubs were members of Atlapac—O'ahu's oldest shoreline casting club established in 1926 to promote fishing education and conservation practices—including Roland Galagac, President; Sandi Arakaki, Secretary; and Frank Farm, Alii Holokai Diving Club;

Representing various fishing agencies, non-profits and organizations were Clay Tam, Division of Aquatic Resources—Papio/Ulua Tagging Project; Neil Kanemoto and Billy Chang, Pacific Island Fisheries Group members and volunteers; Stefanie Sakamoto, Mike Sakamoto Memorial Scholarship; Roy Morioka, International Game Fish Association and lifelong fishing club advocate; Tony Costa, Hawaii Nearshore Fishermen; Scotty Furushima, Keiki Kewalo Fishing Conservancy; Dr. John Kaneko, Hawaii Seafood Council;

Representing local fishing television shows and magazines were Dean Sensui of "Hawaii Goes Fishing", Ben Wong of "Let's Go Fishing", and Marc Inouye of *Hawaii Skin Diver* and *Lawaia Magazine*.

At 12:09 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:20 p.m.

MESSAGE FROM THE GOVERNOR

The following message from the Governor (Gov. Msg. No. 382) was read by the Clerk and was placed on file:

Gov. Msg. No. 382, dated March 18, 2010, transmitting the Employees' Retirement System's Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2008.

DEPARTMENTAL COMMUNICATION

The following communication (Dept. Com. No. 78) was read by the Clerk and was placed on file:

Dept. Com. No. 78, from the Office of Elections dated March 23, 2010, transmitting the Notice of Award to Hart Intercivic, issued March 16, 2010, pursuant to Act 162, Section 56, SLH 2009.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 277 to 281) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 277, transmitting H.C.R. No. 51, which was adopted by the House of Representatives on March 24, 2010, was placed on file.

By unanimous consent, H.C.R. No. 51, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING THE SECOND WEEK IN OCTOBER AS CASE MANAGEMENT WEEK," was deferred.

Hse. Com. No. 278, transmitting H.C.R. No. 203, which was adopted by the House of Representatives on March 24, 2010, was placed on file.

By unanimous consent, H.C.R. No. 203, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE EFFORTS OF THE KAUAI BEEKEEPERS ASSOCIATION AND OTHER KEY STAKEHOLDERS FOR THEIR EFFORTS TO ASSIST THE DEPARTMENT OF AGRICULTURE WITH EDUCATION AND PREVENTION OF THE VARROA MITE AND OTHER INVASIVE SPECIES," was deferred.

Hse. Com. No. 279, transmitting H.C.R. No. 230, which was adopted by the House of Representatives on March 24, 2010, was placed on file.

By unanimous consent, H.C.R. No. 230, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII CLEAN ENERGY INITIATIVE END-USE EFFICIENCY WORKING GROUP TO CONVENE DEVELOPMENT AND BUILDING INDUSTRY STAKEHOLDERS TO IDENTIFY BARRIERS TO IMPLEMENTATION AND WORK TOWARDS A CONSENSUS POSITION TO PROMOTE THE DESIGN AND CONSTRUCTION OF NET ZERO ENERGY BUILDINGS," was deferred.

Hse. Com. No. 280, transmitting H.C.R. No. 265, which was adopted by the House of Representatives on March 24, 2010, was placed on file.

By unanimous consent, H.C.R. No. 265, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AUDIT OF THE HAWAII AIR NATIONAL GUARD," was deferred.

Hse. Com. No. 281, transmitting H.C.R. No. 266, which was adopted by the House of Representatives on March 24, 2010, was placed on file.

By unanimous consent, H.C.R. No. 266, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE UNIVERSITY OF HAWAII AND LEAHI HOSPITAL TO REACH A JOINT AGREEMENT ON A COORDINATED MASTER PLAN TO PROVIDE INNOVATIVE LONG-TERM CARE SERVICES," was deferred.

STANDING COMMITTEE REPORTS

Senators Sakamoto and English, for the Committee on Education and Housing and the majority of the Committee on Transportation, International and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2855) recommending that S.C.R. No. 93, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2855 and S.C.R. No. 93, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE FEASIBILITY OF DEVELOPING SINGLE ROOM OCCUPANCY DWELLINGS IN TRANSIT ORIENTED DEVELOPMENT PROJECTS TO ALLEVIATE THE AFFORDABLE HOUSING SHORTAGE," was deferred until Tuesday, March 30, 2010.

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. 2856) recommending that S.C.R. No. 117, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2856 and S.C.R. No. 117, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE BUILDING OF MODULAR AND FACTORY MANUFACTURED HOMES IN HAWAII," was deferred until Tuesday, March 30, 2010.

Senator Sakamoto, for the Committee on Education and Housing, presented a report (Stand. Com. Rep. No. 2857) recommending that S.C.R. No. 107, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2857 and S.C.R. No. 107, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT TO THE LEGISLATURE REGARDING INFORMATION ON THE PUBLIC SCHOOL JUNIOR KINDERGARTEN PROGRAM," was deferred until Tuesday, March 30, 2010.

Senators Tokuda and Sakamoto, for the Committee on Higher Education and the Committee on Education and Housing, presented a joint report (Stand. Com. Rep. No. 2858) recommending that S.C.R. No. 103, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2858 and S.C.R. No. 103, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT ON THE FEASIBILITY OF CREATING A VOCATIONAL/TECHNICAL EDUCATION LEARNING CENTER AT HONOLULU COMMUNITY COLLEGE," was deferred until Tuesday, March 30, 2010.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2859) recommending that S.C.R. No. 156, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2859 and S.C.R. No. 156, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO PROMOTE THE USE OF XYLITOL FOR ITS PREVENTIVE AND THERAPEUTIC HEALTH AND ORAL HEALTH BENEFITS AND TO APPROPRIATELY INCORPORATE XYLITOL INTO THE HEALTHY HAWAII INITIATIVE," was deferred until Tuesday, March 30, 2010.

Senator Hee, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2860) recommending that S.C.R. No. 217, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2860 and S.C.R. No. 217, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY ON THE CONTRACTING OF THIRD PARTY AGENTS TO INSPECT AND CERTIFY HAWAII-GROWN GREEN COFFEE BEANS," was deferred until Tuesday, March 30, 2010.

Senators Ige and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 2861) recommending that H.B. No. 2157, 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 joint report of the Committees was adopted and H.B. No. 2157, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPANDED ADULT RESIDENTIAL CARE HOMES," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 31, 2010.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2862) recommending that H.B. No. 2397, 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. 2397, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIMARY ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 31, 2010.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2863) recommending that H.B. No. 2784, 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. 2784, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL CLAIMS COURT," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 31, 2010.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2864) recommending that H.B. No. 840, 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. 840, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARGING BY WRITTEN INFORMATION," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 31, 2010.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2865) recommending that H.B. No. 1019, 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. 1019, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 31, 2010.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2866) recommending that H.B. No. 1862, 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. 1862, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ORDER," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 31, 2010.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2867) recommending that H.B. No. 1863, 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. 1863, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 31, 2010.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2868) recommending that S.C.R. No. 210, as amended in S.D. 1, 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.C.R. No. 210, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN ADVISORY COMMITTEE TO MAKE RECOMMENDATIONS REGARDING THE CREATION OF A HAWAII ALL-PAYER HEALTH CLAIMS DATABASE FOR THE PURPOSE OF TRANSPARENT PUBLIC REPORTING OF HEALTH CARE INFORMATION," was referred to the Committee on Commerce and Consumer Protection.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2869) recommending that S.C.R. No. 212, as amended in S.D. 1, 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.C.R. No. 212, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO EXAMINE THE FEASIBILITY OF LOWERING THE AGE OF PHARMACY-ADMINISTERED VACCINATION RECIPIENTS TO NINE YEARS OLD," was referred to the Committee on Commerce and Consumer Protection.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2870), recommending that S.R. No. 108, as amended in S.D. 1, 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.R. No. 108, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO EXAMINE THE FEASIBILITY OF LOWERING THE AGE OF PHARMACY-ADMINISTERED VACCINATION RECIPIENTS TO NINE YEARS OLD," was referred to the Committee on Commerce and Consumer Protection.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2871) recommending that S.C.R.

No. 42, as amended in S.D. 1, 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.C.R. No. 42, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR LOCAL ACCOUNTABILITY OF DRUG FORMULARIES AND DRUG PRIOR AUTHORIZATION POLICIES," was referred to the Committee on Commerce and Consumer Protection.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2872), recommending that S.R. No. 27, as amended in S.D. 1, 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.R. No. 27, S.D. 1, entitled: "SENATE RESOLUTION EXPRESSING SUPPORT FOR LOCAL ACCOUNTABILITY OF DRUG FORMULARIES AND DRUG PRIOR AUTHORIZATION POLICIES," was referred to the Committee on Commerce and Consumer Protection.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2873) recommending that S.C.R. No. 155, as amended in S.D. 1, 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.C.R. No. 155, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO REVIEW THE GUARDIANSHIP PROCESS WITH RESPECT TO THE ISSUE OF PATIENTS IN HOSPITALS WHO ARE WAITLISTED FOR POST-ACUTE CARE," was referred to the Committee on Judiciary and Government Operations.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2874) recommending that S.C.R. No. 113, 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. 113, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A COMMITTEE TO DEVELOP A PLAN TO STUDY AND IMPLEMENT STRUCTURAL AND OPERATIONAL IMPROVEMENTS TO INCREASE THE EFFECTIVENESS OF THE HAWAII HEALTH SYSTEMS CORPORATION AND ITS REGIONS," was referred to the Committee on Ways and Means.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2875), recommending that S.R. No. 43, 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.R. No. 43, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF A COMMITTEE TO DEVELOP A PLAN TO STUDY AND IMPLEMENT STRUCTURAL AND OPERATIONAL IMPROVEMENTS TO INCREASE THE EFFECTIVENESS OF THE HAWAII HEALTH SYSTEMS CORPORATION AND ITS REGIONS," was referred to the Committee on Ways and Means.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2876) recommending that S.C.R. No. 122, 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. 122, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE LEGISLATURE TO CONVENE A HAWAII HEALTH CARE SUMMIT TO DEVELOP A STRATEGIC AND COMPREHENSIVE PLAN FOR HEALTH CARE IN HAWAII," was referred to the Committee on Ways and Means.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2877) recommending that S.C.R. No. 146, 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. 146, S.D. 1, entitled: "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," was referred to the Committee on Ways and Means.

Senators Ige and Baker, for the Committee on Health and the Committee on Commerce and Consumer Protection, presented a joint report (Stand. Com. Rep. No. 2878) recommending that S.C.R. No. 12, 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 joint report of the Committees was adopted and S.C.R. No. 12, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR HEARING AIDS," 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. 2879) recommending that S.C.R. No. 57, 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. 57, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF THE NORTHWEST CORNER PARCEL, 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. 2880) recommending that S.C.R. No. 58, 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. 58, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF A 9.105 ACRE VACANT PARCEL IN VILLAGE 8, THE VILLAGES OF KAPOLEI, 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. 2881) recommending that S.C.R. No. 59, 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. 59, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF KEKUILANI VILLAGE 4, THE VILLAGES OF KAPOLEI, KAPOLEI, HAWAII," was referred to the Committee on Ways and Means.

Senators Fukunaga, Sakamoto, Hee, and Tokuda, for the Committee on Economic Development and Technology and the Committee on Education and Housing and the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Higher Education, presented a joint report (Stand. Com. Rep. No. 2882) recommending that S.C.R. No. 147, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2882 and S.C.R. No. 147, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CONVENING A WORKING GROUP TO EXAMINE FARM TO SCHOOL MODELS," was deferred until Tuesday, March 30, 2010.

Senators Fukunaga, Sakamoto, Hee, and Tokuda, for the Committee on Economic Development and Technology and the Committee on Education and Housing and the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Higher Education, presented a joint report (Stand. Com. Rep. No. 2883) recommending that S.R. No. 67, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2883 and S.R. No. 67, S.D. 1, entitled: "SENATE RESOLUTION CONVENING A WORKING GROUP TO EXAMINE FARM TO SCHOOL MODELS," was deferred until Tuesday, March 30, 2010.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2884) recommending that S.C.R. No. 178, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2884 and S.C.R. No. 178, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING HAWAII HEALTH SYSTEMS CORPORATION HOSPITALS AND CLINICS TO ACCEPT MEDICAL STUDENT ROTATIONS FROM A.T. STILL UNIVERSITY SCHOOL OF OSTEOPATHIC MEDICINE BASED OUT OF THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER, THE UNIVERSITY OF HAWAII JOHN A. BURNS SCHOOL OF MEDICINE, AND OTHER HAWAII-BASED MEDICAL SCHOOLS," was deferred until Tuesday, March 30, 2010.

Senator Hee, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2885) recommending that S.C.R. No. 208, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2885 and S.C.R. No. 208, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO AMEND EXECUTIVE ORDER NO. 3665 THAT SET ASIDE LANDS FOR A GOLF COURSE AND TO RE-DEDICATE THOSE LANDS FOR A REGIONAL PARK," was deferred until Tuesday, March 30, 2010.

Senator Hee, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2886) recommending that S.R. No. 106, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2886 and S.R. No. 106, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR TO AMEND EXECUTIVE ORDER NO. 3665 THAT SET ASIDE LANDS FOR A GOLF

COURSE AND TO RE-DEDICATE THOSE LANDS FOR A REGIONAL PARK," was deferred until Tuesday, March 30, 2010.

ORDER OF THE DAY

ADOPTION OF A RESOLUTION

MATTER DEFERRED FROM WEDNESDAY, MARCH 24, 2010

Stand. Com. Rep. No. 2851 (S.C.R. No. 126):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 126, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED NATIONS TO GRANT TAIWAN MEANINGFUL PARTICIPATION IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION," was adopted.

THIRD READING

H.B. No. 2351, S.D. 1:

On motion by Senator Espero, seconded by Senator English and carried, H.B. No. 2351, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1868, H.D. 1:

Senator Takamine moved that H.B. No. 1868, H.D. 1 pass Third Reading, seconded by Senator Taniguchi.

Senator Slom rose in opposition to the measure and said:

"You know, it's interesting: We have so many bills each year trying to expand civil service or trying to protect civil service employees, and yet this bill stands out like a sore thumb as something in retaliation for a certain group of civil service employees; and those civil service employees would be the ones that accepted temporary assignments to other agencies or other departments.

"Interestingly enough, there was opposition to this bill from the State Department of Human Resources, from the City and County Human Resources Development Department, and also from the Maui County Personnel Services Department. And I think that that opposition was well-placed because what this does, if enacted, it prohibits civil service employees who accept an appointed position from returning to their civil service positions more than one year later. I don't think we've had anything like this in the past, and as DHRD pointed out in their testimony, this is objectionable for several reasons. Any change to existing collective bargaining agreements pertaining to leaves of absence should be handled through collective bargaining negotiations and not through the Legislature because the collective bargaining process actually takes precedence over any conflicting legislation. Secondly, this bill conflicts with the Hawaii Revised Statutes Chapter 89C, which provides excluded employees with adjustments that are no less than their included counterparts. Thus, this bill would prove to be unenforceable because Chapter 89C takes precedence over additional legislation. And finally, this one year cap on leaves of absence for the purpose of serving in higher level appointed positions limits the opportunity for career civil servants to contribute in leadership capacities and become an effective part of government.

"The Department of Human Resources in the City and County of Honolulu opposed the bill because of the negative impact the bill would have on civil service employees; and the Maui Department of Personnel Services testified that the bill

appears to create divisiveness among the ranks of public employees. So Madam President and colleagues, I really don't know what the genesis of this bill is. I don't know why we would entertain a bill that is going to create divisiveness where the organizations in the counties and the state have said specifically that we're preempted because of Hawaii Revised Statutes and collective bargaining agreements. So, I would urge my colleagues to reconsider or to vote 'no' on this bill. Thank you."

The motion was put by the Chair and carried, H.B. No. 1868, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Slom).

H.B. No. 2289, H.D. 2, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, H.B. No. 2289, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GIFT CERTIFICATES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1927, H.D. 2, S.D. 1:

On motion by Senator Baker, seconded by Senator English and carried, H.B. No. 1927, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OWNER-BUILDERS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At this time, the Chair made the following announcement:

"Re-referrals are made in accordance with the 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. 2267, H.D. 1 Committee on Ways and Means

RE-REFERRAL OF A SENATE CONCURRENT RESOLUTION

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

S.C.R. No.: Re-referred to:

S.C.R. No. 124 Jointly to the Committee on Health and the Committee on Commerce and Consumer Protection

Senator Kim, Chair of the Committee on Ways and Means, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. No. 1948, H.D. 1.

Senator Kim noted:

"I request a waiver of the 72-hour notice requirement to hold a public hearing on H.B. 1948, H.D. 1. Your Committee received a late request to hear this measure. We'd like to schedule it for public hearing prior to the second decking deadline."

The Chair granted the waiver.

Senator Hee, Chair of the Committee on Water, Land, Agriculture, and Hawaiian Affairs, requested a waiver of the

notice requirement pursuant to Senate Rule 21 for H.B. No. 2561.

Senator Hee noted:

"I request a waiver of the 72-hour notice requirement to hold a public hearing on H.B. 2561, jointly referred to the Water, Land, Ag, and Hawaiian Affairs, Judiciary and Government Operation, and Ways and Means Committees. Your Committees received a late request from my good friend Attorney General Mark Bennett to hear this measure, and we would like to do so."

The Chair granted the waiver.

ADJOURNMENT

At 12:28 p.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Tuesday, March 30, 2010.