

THIRTY-EIGHTH DAY

Monday, March 28, 2011

The Senate of the Twenty-Sixth Legislature of the State of Hawai'i, Regular Session of 2011, convened at 11:35 a.m. with the President in the Chair.

The Roll was called showing all Senators present.

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

At this time, Senator Kim introduced a group of eighth-grade students from Dole Middle School and their chaperones Judy Oliveira and Wendy Mow-Taira who were seated in the gallery.

Senator Dela Cruz introduced the Hawaii Association for Korean Schools, represented by President Aeija Son, Vice President Jong-Eun Lee, Secretary Il-Kyu Cho, and others who were seated in the gallery.

Senator Ryan introduced a group of eighth-grade students from Waimanalo School participating in the Close Up civic engagement program who were seated in the gallery.

Senator Fukunaga, with the assistance of Senators Ryan, Kouchi, Solomon, Kahele, Baker, Chun Oakland, Shimabukuro, Slom, English, and Nishihara, recognized and congratulated the following United States Small Business Administration's 2011 State of Hawai'i Awardees:

Brian Bowers and Dexter Kubota of Bowers & Kubota Consulting, Inc. (Small Business Person of the Year), along with Joanne Arizumi who nominated Brian and Dexter for this award, as well as Brian's wife Bernice; and Dexter's wife Mae, sister Lynette, father George, and in-laws Ken and Marjorie Rosemont;

Judy N. Bishop of Bishop & Company (Women in Business Champion of the Year), along with Kevin Sakamoto who nominated Judy for this award;

Daniel T. Wright of Tambor (Young Entrepreneur of the Year), along with Eliza Kobayashi who nominated Daniel for this award;

David Kane of Trex Hawaii-Advanced Material Group (Tibbets Award for Innovation and Research), along with Yuka Nagashima who nominated David for this award;

Robert M. Fujimoto of HPM Building Supply, Ltd. (Entrepreneurial Success of the Year), along with Art Taniguchi who nominated Robert for this award, and Robert's daughter Roberta Fujimoto Chu;

Joseph Rossi of Maui Babe, Inc. (Small Business Exporter of the Year), who was accompanied by John Fujimoto who nominated Joseph for this award;

Alan Okami of Koaloha, Inc. (SBA Family-Owned Small Business of the Year), along with Malcom Lau, John Morikami and Warren Altona who nominated Alan for this award, as well as family members Pops, mom Pat, brother Paul, and the Koaloha ukulele-making crew;

Patrick R. Garcia of Strategic Financial Concepts, LLC (Financial Services Champion of the Year), along with Lauren Tanouye who nominated Patrick for this award;

Eddie Flores of L&L Drive Inn and L&L Barbeque (Minority Small Business Champion of the Year), who was represented by his wife Elaine, along with Keith Shimamura who nominated Eddie for this award;

Roger Lane of Roger Lane, Inc. (Home-Based Business Champion of the Year) who was unable to attend, along with Greg Nue who nominated Roger for this award and was also unable to attend; and

Henry L. Cashen of Soldier & Family Assistance Center (Veteran's Business Champion of the Year), along with Naomi Masuno who nominated Henry for the award, as well as his wife Lorraine, and Robyn Sharad, the head of Army Community Services.

Also recognized was Jane Sawyer, Director of the Small Business Association Hawai'i District Office.

Senator Slom introduced Dick Rowland, founder and former president of the Grassroot Institute of Hawaii, and Becky Norton-Dunlop, Vice President of External Relations for the Heritage Foundation.

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

The Senate reconvened at 12:18 p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 188 to 190 and 626 to 627) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 188, dated January 11, 2011, transmitting the Report Relating to Public Land Liability and Recommendations of the Task Force on Beach and Water Safety, prepared by the Department of Land and Natural Resources pursuant to Act 82, Section 4, SLH 2003, was placed on file.

Gov. Msg. No. 189, dated January 11, 2011, transmitting the Initial Progress Report on the Implementation of a Master Plan for a State Living Park in Kahana Valley, prepared by the Department of Land and Natural Resources pursuant to Act 15, Special Session of 2009, was placed on file.

Gov. Msg. No. 190, dated January 24, 2011, transmitting a Report on QUEST Recipients, prepared by the Department of Human Services, Med-QUEST Division, pursuant to H.C.R. No. 199, H.D. 1 (2010), was placed on file.

Gov. Msg. No. 626, submitting for consideration and confirmation to the Board of Dental Examiners, the nomination of PAUL W. CONDRY, term to expire June 30, 2015, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 627, submitting for consideration and confirmation to the Board of Directors of the Research Corporation of the University of Hawai'i, the nomination of JAMES P. KARINS, term to expire June 30, 2015, was referred to the Committee on Education.

DEPARTMENTAL COMMUNICATIONS

The following communication (Dept. Com. Nos. 72 and 73) were read by the Clerk and were placed on file:

Dept. Com. No. 72, from the Office of Hawaiian Affairs dated January 18, 2011, transmitting the Office of Hawaiian Affairs 2010 Annual Report.

Dept. Com. No. 73, From the State Auditor dated January 27, 2011, transmitting a letter analyzing the effects of Act 227 and Act 120, SLH 2008.

HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 360) was read by the Clerk and was disposed of as follows:

Hse. Com. No. 360, returning S.B. No. 34, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on March 24, 2011, was placed on file.

By unanimous consent, action on S.B. No. 34, S.D. 1, (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO TAX APPEALS," was deferred until Tuesday, March 29, 2011.

STANDING COMMITTEE REPORT

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 989) recommending that S.C.R. No. 26, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 26, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A HAWAII STATE FALL PREVENTION AND EARLY DETECTION TASK FORCE TO DEVELOP A STATEWIDE APPROACH TO REDUCING FALLS AMONG OLDER ADULTS," was referred to the Committee on Ways and Means.

ORDER OF THE DAY**THIRD READING**

H.B. No. 319, H.D. 1, S.D. 1:

On motion by Senator Baker, seconded by Senator Taniguchi and carried, H.B. No. 319, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OWNER-BUILDERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Hee).

H.B. No. 1654, H.D. 1, S.D. 1:

On motion by Senator Green, seconded by Senator Espero and carried, H.B. No. 1654, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GROUP LIVING FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Hee).

At this time, the Chair made the following announcement:

"Referrals and re-referrals are made in accordance with 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. 331, H.D. 2, S.D. 1 Jointly to the Committee on Water, Land, and Housing and the Committee on Ways and Means

At this time, the Chair made the following announcement:

"The Hawai'i Medal of Honor Joint Session will convene here in the Senate Chamber tomorrow at 2:00 p.m. Members are asked to report to the Senate Chamber by 1:45 p.m."

ADJOURNMENT

At 12:22 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Tuesday, March 29, 2011.