

TWENTY-EIGHTH DAY

Friday, March 9, 2007

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2007, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sister Joan Chatfield, Executive Director, Institute for Religion and Social Change, after which the Roll was called showing all Senators present with the exception of Senators Baker and Menor who were excused.

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

Senators Inouye and Tsutsui, in recognition of Fort Shafter's centennial celebration of serving as headquarters of the United States Army Pacific Command, introduced and welcomed Lt. General John M. Brown III, Commander of the United States Army, Pacific; Colonel Howard J. Killian; Command Sergeant Major Joseph P. Zettlemoyer; Staff Sergeant Aaron Townsend; and Specialist John Quinlan.

At this time, President Hanabusa invited Lt. General Brown to the podium to address the members of the Senate.

General Brown addressed the Senate as follows:

"President Hanabusa, distinguished members of the Senate, fellow guests here in the Chamber, I first want to personally thank Senator Lorraine Inouye for sponsoring this Resolution recognizing 100 years of service by American soldiers in the Asia Pacific.

"We are five very humble representatives of tens of thousands of American soldiers – tens of thousands this morning that are serving on the front line of our nation's war on terrorism; several thousand others who are journeying home as we speak from Japan and from the Philippines where they have been training and exercising alongside our vital allies in those two nations; several thousand more that will depart in just days to train and exercise with the armed forces of India, the largest democracy in the world, and with Indonesia, the largest Muslim nation in the world. That's what American soldiers in the Pacific have done for decades and decades; that is our purpose and we proudly serve our nation and we proudly serve here in the beautiful State of Hawaii.

"Mahalo."

At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:58 o'clock a.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 462 to 466) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 462, transmitting H.B. No. 1290, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 2007, was placed on file.

On motion by Senator Ige, seconded by Senator Whalen and carried, H.B. No. 1290, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION

HEALTH BENEFITS TRUST FUND," passed First Reading by title and was referred to the Committee on Judiciary and Labor, then to the Committee on Ways and Means.

Hse. Com. No. 463, transmitting H.C.R. No. 25, which was adopted by the House of Representatives on March 8, 2007, was placed on file.

By unanimous consent, action on H.C.R. No. 25, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CHILDCARE AND ELDERCARE COMMUNITIES TO ACKNOWLEDGE THE UNIQUE CIRCUMSTANCES OF GRANDPARENTS RAISING GRANDCHILDREN BY SUPPORTING POLICIES AND SERVICES THAT ARE CONDUCTIVE TO THAT FAMILIAL RELATIONSHIP," was deferred.

Hse. Com. No. 464, transmitting H.C.R. No. 27, which was adopted by the House of Representatives on March 8, 2007, was placed on file.

By unanimous consent, action on H.C.R. No. 27, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING EACH COUNTY TO EXAMINE ITS CURRENT ZONING LAWS, BUILDING CODES, AND SUBDIVISION REQUIREMENTS AND ELIMINATE ENCUMBRANCES TO FAMILY CAREGIVING AND AGING IN PLACE," was deferred.

Hse. Com. No. 465, transmitting H.C.R. No. 36, H.D. 1, which was adopted by the House of Representatives on March 8, 2007, was placed on file.

By unanimous consent, action on H.C.R. No. 36, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION MAKING RECOMMENDATIONS TO THE UNITED NATIONS SECURITY COUNCIL, UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, EUROPEAN UNION, GOVERNMENT OF SUDAN, JANJAWEE MILITIA, SUDANESE LIBERATION ARMY, JUSTICE EQUALITY MOVEMENT, AND SUDAN PEOPLE'S LIBERATION ARMY REGARDING THE CONFLICT IN THE DARFUR REGION OF WESTERN SUDAN," was deferred.

Hse. Com. No. 466, transmitting H.C.R. No. 38, H.D. 1, which was adopted by the House of Representatives on March 8, 2007, was placed on file.

By unanimous consent, action on H.C.R. No. 38, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING NOVEMBER 21ST AS INTERNATIONAL PEACE AND RECONCILIATION DAY IN THE STATE OF HAWAII," was deferred.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 55 to 58) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 55 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REVIEW THE USE OF THE PREDICTIVE ASSESSMENT OF READING PROGRAM TO TEACH READING TO STUDENTS."

Offered by: Senator Sakamoto.

No. 56 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REPORT ON THE RETENTION AND CHANGE IN ASSIGNMENT OF TEACHERS WITHIN THE DEPARTMENT OF EDUCATION."

Offered by: Senator Sakamoto.

No. 57 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PROPOSE AMENDMENTS TO THE NO CHILD LEFT BEHIND ACT OF 2001."

Offered by: Senator Sakamoto.

No. 58 "SENATE CONCURRENT RESOLUTION URGING THE CIVIL DEFENSE DIVISION OF THE STATE DEPARTMENT OF DEFENSE TO DESIGNATE A LEAD STAFF TO ADDRESS THE NEEDS OF INDIVIDUALS WITH DISABILITIES AND SPECIAL HEALTH NEEDS."

Offered by: Senators Inouye, Sakamoto, Tsutsui, Chun Oakland, Hooser, Tokuda, English, Nishihara, Trimble, Slom, Hemmings.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 30 to 34) were read by the Clerk and were deferred:

Senate Resolution

No. 30 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONSIDER OFFERING PEACEKEEPING AND PEER MEDIATION CLASSES."

Offered by: Senator Sakamoto.

No. 31 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REVIEW THE USE OF THE PREDICTIVE ASSESSMENT OF READING PROGRAM TO TEACH READING TO STUDENTS."

Offered by: Senator Sakamoto.

No. 32 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REPORT ON THE RETENTION AND CHANGE IN ASSIGNMENT OF TEACHERS WITHIN THE DEPARTMENT OF EDUCATION."

Offered by: Senator Sakamoto.

No. 33 "SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PROPOSE AMENDMENTS TO THE NO CHILD LEFT BEHIND ACT OF 2001."

Offered by: Senator Sakamoto.

No. 34 "SENATE RESOLUTION URGING THE CIVIL DEFENSE DIVISION OF THE STATE DEPARTMENT OF DEFENSE TO DESIGNATE A LEAD STAFF TO ADDRESS THE NEEDS OF INDIVIDUALS WITH DISABILITIES AND SPECIAL HEALTH NEEDS."

Offered by: Senators Inouye, Sakamoto, Tsutsui, Chun Oakland, Hooser, Tokuda, English, Nishihara, Trimble, Slom, Hemmings.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1030) recommending that the Senate advise and consent to the nomination of GEORGINA K. KAWAMURA as the Director of the Department of Budget and Finance, in accordance with Gov. Msg. No. 268.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1030 and Gov. Msg. No. 268 was deferred until Monday, March 12, 2007.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1031) recommending that S.C.R. No. 18, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1031 and S.C.R. No. 18, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO WORK WITH APPROPRIATE ENTITIES TO EXTEND THE LENGTH OF THE SCHOOL DAY TO ACCOMMODATE INCREASED PHYSICAL EDUCATION, ART, AND MUSIC REQUIREMENTS, AND OTHER SPECIAL PROJECTS, WHICH MAY INCLUDE AFTER SCHOOL ACTIVITIES AND COMPETITIONS," was deferred until Monday, March 12, 2007.

ORDER OF THE DAY

RE-REFERRAL OF A GOVERNOR'S MESSAGE

The Chair re-referred the following governor's message that was received:

Governor's Message	Referred to:
No. 435	Committee on Economic Development and Taxation

RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bills that were received:

House Bill	Referred to:
No. 419, H.D. 1	Committee on Water, Land, Agriculture and Hawaiian Affairs, then to the Committee on Intergovernmental and Military Affairs
No. 1389	Committee on Water, Land, Agriculture and Hawaiian Affairs, then to the Committee on Commerce, Consumer Protection and Affordable Housing

At 11:59 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:00 o'clock noon.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 508 and 509) were read by the Clerk and were placed on file:

Gov. Msg. No. 508, dated March 5, 2007, transmitting a Report Relating to Energy, prepared by the Department of

Education pursuant to Act 96, SLH 2006, on the photovoltaic, net energy metering pilot project in public schools.

Gov. Msg. No. 509, dated March 7, 2006, transmitting the 2006 Report of the Commission to Promote Uniform Legislation, submitted by the Department of the Attorney General.

Senator Slom rose on a point of personal privilege as follows:

“Madam President and Colleagues, I just wanted to bring to your attention a court ruling this morning that should be of some interest to many of us. The U.S. Court of Appeals for the District of Columbia struck down the handgun ban that has been in existence in the District of Columbia for 31 years. The ruling came in a case *Parker v. District of Columbia* and the senior judge was Lawrence Silberman who wrote the opinion. In his ruling, Judge Silberman wrote, quote: ‘In sum, the phrase “the right of the people” when read intratextually and in the light of the Supreme Court precedent, leads us to conclude that the right in question is individual.’ He also noted that the Second Amendment, quote, ‘acknowledges . . . a right that pre-existed the Constitution like “the freedom of speech.” Because the right to arms existed prior to the formation of the new government, the Second Amendment only guarantees that the right “shall not be infringed.”’

“I just thought that you would like to know that. Thank you, Madam President.”

ADJOURNMENT

At 12:01 o’clock p.m., on motion by Senator Ige, seconded by Senator Whalen and carried, the Senate adjourned until 11:30 o’clock a.m., Monday, March 12, 2007.