

SIXTEENTH DAY

Friday, February 8, 2008

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2008, convened at 11:41 a.m. with the President in the Chair.

The Divine Blessing was invoked by Father Jack Ryan, St. John the Baptist Church, after which the Roll was called showing all Senators present.

The President announced that she had read and approved the Journal of the Fifteenth Day.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 56 and 57) were read by the Clerk and were deferred:

Senate Concurrent Resolution

S.C.R. No. 56 "SENATE CONCURRENT RESOLUTION CONVENING A TASK FORCE OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES, DEPARTMENT OF HAWAIIAN HOME LANDS, DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, AND DEPARTMENT OF AGRICULTURE, TO IDENTIFY AVAILABLE STATE LANDS TO RELOCATE RESIDENTS IN PUNA AND PAHOA AS A RESULT OF THE LAVA FLOW FROM THE KILAUEA VOLCANO ERUPTION."

Offered by: Senators Inouye, Bunda, Hemmings, Ige, Kim.

S.C.R. No. 57 "SENATE CONCURRENT RESOLUTION REQUESTING THAT PAHOA HIGH AND INTERMEDIATE SCHOOL DEDICATE ITS GYMNASIUM IN HONOR OF FORMER REPRESENTATIVE HELENE H. HALE, BY CHANGING THE NAME OF THE GYMNASIUM TO 'HELENE H. HALE GYMNASIUM.'"

Offered by: Senators Kokubun, Baker, Chun Oakland, English, Espero, Fukunaga, Hanabusa, Hemmings, Hooser, Inouye, Tokuda, Tsutsui, Bunda, Gabbard, Ige, Ihara, Kim, Menor, Nishihara, Sakamoto, Slom, Taniguchi, Trimble.

SENATE RESOLUTION

The following resolution (S.R. No. 29) was read by the Clerk and was deferred:

Senate Resolution

S.R. No. 29 "SENATE RESOLUTION CONVENING A TASK FORCE OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES, DEPARTMENT OF HAWAIIAN HOME LANDS, DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, AND DEPARTMENT OF AGRICULTURE, TO IDENTIFY AVAILABLE STATE LANDS TO RELOCATE RESIDENTS IN PUNA AND PAHOA AS A RESULT OF THE LAVA FLOW FROM THE KILAUEA VOLCANO ERUPTION."

Offered by: Senators Inouye, Bunda, Hemmings, Ige, Kim.

STANDING COMMITTEE REPORTS

Senators Kokubun and Chun Oakland, for the Committee on Commerce, Consumer Protection and Affordable Housing and the Committee on Human Services and Public Housing, presented a joint report (Stand. Com. Rep. No. 2137) recommending that S.B. No. 3174, as amended in S.D. 1, pass

Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 3174, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 2138) recommending that S.B. No. 2239, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2239, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOXIC PRODUCTS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Sakamoto and Taniguchi, for the Committee on Education and the Committee on Judiciary and Labor, presented a joint report (Stand. Com. Rep. No. 2139) recommending that S.B. No. 2680 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2680, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Fukunaga, for the Committee on Education and the Committee on Economic Development and Taxation, presented a joint report (Stand. Com. Rep. No. 2140) recommending that S.B. No. 2679 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2679, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2141) recommending that S.B. No. 2671, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2671, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Taniguchi, for the Committee on Education and the Committee on Judiciary and Labor, presented a joint report (Stand. Com. Rep. No. 2142) recommending that S.B. No. 2652, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2652, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2143) recommending

that S.B. No. 2476, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2476, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXTRACURRICULAR ACTIVITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2144) recommending that S.B. No. 2288, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2288, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2145) recommending that S.B. No. 2080, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2080, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHER LICENSURE," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 2146) recommending that S.B. No. 2730, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2730, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 2147) recommending that S.B. No. 2055, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2055, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 2148) recommending that S.B. No. 2246, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2246, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION BOARD ALLOWANCE FOR FORMER FOSTER YOUTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators English and Chun Oakland, for the Committee on Transportation and International Affairs and the Committee on Human Services and Public Housing, presented a joint report (Stand. Com. Rep. No. 2149) recommending that S.B. No. 2917 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2917, entitled: "A BILL FOR AN ACT RELATING TO THE COMPACT OF FREE ASSOCIATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 2150) recommending that S.B. No. 3119, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3119, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE STATE HIGHWAY SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 2151) recommending that S.B. No. 2916, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2916, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 2152) recommending that S.B. No. 2528, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2528, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS ON KAUAI," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 2153) recommending that S.B. No. 2920, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2920, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 2154) recommending that S.B. No. 3257, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Human Services and Public Housing.

Senator Ige moved that Stand. Com. Rep. No. 2154 be adopted and S.B. No. 3257, as amended in S.D. 1, pass Second Reading and be recommitted jointly to the Committee on Human Services and Public Housing and the Committee on Health, seconded by Senator Whalen.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2154 was adopted and S.B. No. 3257, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID PRESUMPTIVE ELIGIBILITY," passed Second Reading and was recommitted jointly to the Committee on Human Services and Public Housing and the Committee on Health.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 2155) recommending that S.B. No. 3258, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Human Services and Public Housing.

Senator Ige moved that Stand. Com. Rep. No. 2155 be adopted and S.B. No. 3258, as amended in S.D. 1, pass Second Reading and be recommitted jointly to the Committee on Human Services and Public Housing and the Committee on Health, seconded by Senator Whalen.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2155 was adopted and S.B. No. 3258, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID HOSPITAL AND LONG TERM CARE REIMBURSEMENTS," passed Second Reading and was recommitted jointly to the Committee on Human Services and Public Housing and the Committee on Health.

ORDER OF THE DAY

THIRD READING

S.B. No. 2365, S.D. 1:

On motion by Senator English, seconded by Senator Menor and carried, S.B. No. 2365, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Bunda, Sakamoto).

S.B. No. 2960, S.D. 1:

On motion by Senator Baker, seconded by Senator Tsutsui and carried, S.B. No. 2960, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ELECTRICITY PAYMENTS STATEWIDE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Bunda, Sakamoto).

S.B. No. 2169, S.D. 1:

On motion by Senator Kokubun, seconded by Senator Ige and carried, S.B. No. 2169, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Bunda, Sakamoto).

S.B. No. 2401, S.D. 1:

On motion by Senator Kokubun, seconded by Senator Ige and carried, S.B. No. 2401, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS: MAKING VARIOUS TECHNICAL AMENDMENTS TO THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, AND CLARIFYING LANGUAGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Bunda, Sakamoto).

S.B. No. 2402, S.D. 1:

On motion by Senator Kokubun, seconded by Senator Ige and carried, S.B. No. 2402, S.D. 1, entitled: "A BILL FOR AN ACT MAKING VARIOUS HOUSEKEEPING AMENDMENTS TO VOLUME 11 OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, AND

CLARIFYING LANGUAGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2454, S.D. 1:

On motion by Senator Kokubun, seconded by Senator Ige and carried, S.B. No. 2454, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions that were offered on Tuesday, January 22, 2008; Wednesday, January 23, 2008; Tuesday, January 29, 2008; Monday, February 4, 2008; and Tuesday, February 5, 2008:

Senate Concurrent Resolution	Referred to:
S.C.R. No. 2	Committee on Intergovernmental and Military Affairs
S.C.R. No. 3	Committee on Water and Land, then to the Committee on Ways and Means
S.C.R. No. 4	Committee on Water and Land, then to the Committee on Ways and Means
S.C.R. No. 5	Committee on Economic Development and Taxation
S.C.R. No. 6	Jointly to the Committee on Tourism and Government Operations and the Committee on Economic Development and Taxation
S.C.R. No. 7	Jointly to the Committee on Human Services and Public Housing, the Committee on Tourism and Government Operations and the Committee on Intergovernmental and Military Affairs
S.C.R. No. 8	Committee on Human Services and Public Housing
S.C.R. No. 9	Committee on Tourism and Government Operations
S.C.R. No. 10	Committee on Transportation and International Affairs
S.C.R. No. 11	Committee on Transportation and International Affairs
S.C.R. No. 12	Jointly to the Committee on Transportation and International Affairs and the Committee on Intergovernmental and Military Affairs
S.C.R. No. 13	Jointly to the Committee on Intergovernmental and Military Affairs and the Committee on Judiciary and Labor
S.C.R. No. 14	Jointly to the Committee on Intergovernmental and Military Affairs and the Committee on Judiciary and Labor
S.C.R. No. 15	Committee on Health
S.C.R. No. 16	Committee on Water and Land
S.C.R. No. 17	Committee on Water and Land

S.C.R. No. 18 Jointly to the Committee on Intergovernmental and Military Affairs and the Committee on Human Services and Public Housing

S.C.R. No. 19 Committee on Education

S.C.R. No. 20 Jointly to the Committee on Health and the Committee on Education

S.C.R. No. 21 Jointly to the Committee on Human Services and Public Housing, the Committee on Health and the Committee on Agriculture and Hawaiian Affairs

S.C.R. No. 22 Committee on Education

S.C.R. No. 23 Jointly to the Committee on Human Services and Public Housing and the Committee on Economic Development and Taxation

S.C.R. No. 24 Committee on Human Services and Public Housing

S.C.R. No. 25 Committee on Human Services and Public Housing, then to the Committee on Ways and Means

S.C.R. No. 26 Jointly to the Committee on Human Services and Public Housing, the Committee on Tourism and Government Operations and the Committee on Intergovernmental and Military Affairs

S.C.R. No. 27 Jointly to the Committee on Education and the Committee on Health

S.C.R. No. 28 Jointly to the Committee on Education and the Committee on Health

S.C.R. No. 29 Committee on Education

S.C.R. No. 30 Committee on Education

S.C.R. No. 31 Committee on Education

S.C.R. No. 32 Committee on Education

S.C.R. No. 33 Jointly to the Committee on Human Services and Public Housing and the Committee on Health

S.C.R. No. 34 Jointly to the Committee on Health and the Committee on Economic Development and Taxation, then to the Committee on Ways and Means

S.C.R. No. 35 Jointly to the Committee on Human Services and Public Housing and the Committee on Health

S.C.R. No. 36 Committee on Ways and Means

S.C.R. No. 37 Committee on Human Services and Public Housing, then to the Committee on Ways and Means

S.C.R. No. 38 Jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Affordable Housing, then to the Committee on Ways and Means

S.C.R. No. 39 Jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Affordable Housing, then to the Committee on Ways and Means

S.C.R. No. 40 Jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Affordable Housing, then to the Committee on Ways and Means

S.C.R. No. 41 Committee on Commerce, Consumer Protection and Affordable Housing, then to the Committee on Ways and Means

S.C.R. No. 42 Committee on Intergovernmental and Military Affairs, then to the Committee on Ways and Means

S.C.R. No. 43 Committee on Intergovernmental and Military Affairs

S.C.R. No. 44 Jointly to the Committee on Human Services and Public Housing and the Committee on Intergovernmental and Military Affairs

S.C.R. No. 45 Jointly to the Committee on Transportation and International Affairs, the Committee on Tourism and Government Operations and the Committee on Economic Development and Taxation

S.C.R. No. 46 Committee on Agriculture and Hawaiian Affairs

S.C.R. No. 47 Committee on Intergovernmental and Military Affairs

S.C.R. No. 48 Committee on Tourism and Government Operations

S.C.R. No. 50 Jointly to the Committee on Energy and Environment, the Committee on Water and Land and the Committee on Economic Development and Taxation

S.C.R. No. 51 Jointly to the Committee on Transportation and International Affairs, the Committee on Tourism and Government Operations and the Committee on Economic Development and Taxation

REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Wednesday, January 23, 2008; Tuesday, January 29, 2008; and Tuesday, February 5, 2008:

Senate Resolution	Referred to:
S.R. No. 3	Committee on Human Services and Public Housing
S.R. No. 4	Committee on Transportation and International Affairs
S.R. No. 5	Committee on Transportation and International Affairs
S.R. No. 6	Jointly to the Committee on Transportation and International Affairs and the Committee on Intergovernmental and Military Affairs
S.R. No. 7	Jointly to the Committee on Intergovernmental and Military Affairs and the Committee on Judiciary and Labor
S.R. No. 8	Jointly to the Committee on Intergovernmental and Military Affairs and the Committee on Judiciary and Labor
S.R. No. 9	Committee on Health
S.R. No. 10	Committee on Water and Land
S.R. No. 11	Committee on Water and Land
S.R. No. 12	Jointly to the Committee on Intergovernmental and Military Affairs and the Committee on Human Services and Public Housing
S.R. No. 13	Committee on Education
S.R. No. 14	Jointly to the Committee on Health and the Committee on Education
S.R. No. 15	Jointly to the Committee on Health and the Committee on Economic Development and Taxation, then to the Committee on Ways and Means

S.R. No. 16 Jointly to the Committee on Human Services and Public Housing, the Committee on Health and the Committee on Agriculture and Hawaiian Affairs

S.R. No. 17 Committee on Intergovernmental and Military Affairs, then to the Committee on Ways and Means

S.R. No. 18 Committee on Intergovernmental and Military Affairs

S.R. No. 19 Jointly to the Committee on Human Services and Public Housing and the Committee on Intergovernmental and Military Affairs

S.R. No. 20 Committee on Tourism and Government Operations

S.R. No. 21 Jointly to the Committee on Transportation and International Affairs, the Committee on Tourism and Government Operations and the Committee on Economic Development and Taxation

S.R. No. 22 Committee on Intergovernmental and Military Affairs

S.R. No. 23 Committee on Agriculture and Hawaiian Affairs

S.R. No. 25 Jointly to the Committee on Transportation and International Affairs, the Committee on Tourism and Government Operations and the Committee on Economic Development and Taxation

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

“Madam President, I rise on a point of personal privilege.

“I did want to note for the members there was a ceremony this morning in the rotunda celebrating the 20th anniversary of the Hawaiian language immersion program. As you know, the State of Hawai‘i is the only state in the nation which has designated the native language Hawaiian as one of its two official state languages. And although I am language challenged and I screwed up in that the proclamation that the Senate had presented was written in English, I would like to request that the gifted Hawaiian speakers in this Body assist me in making the appropriate translation so that we can present a certificate in the appropriate language. Thank you.”

ADJOURNMENT

At 11:51 a.m., on motion by Senator Ige, seconded by Senator Whalen and carried, the Senate adjourned until 11:30 a.m., Monday, February 11, 2008.