

## TWENTY-EIGHTH DAY

**Monday, March 10, 2008**

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2008, convened at 11:47 a.m. with the President in the Chair.

The Divine Blessing was invoked by Mr. H. Maxwell Ka'anohi Kopper, Office of the Honorable Rosalyn H. Baker, Hawai'i State Senate, after which the Roll was called showing all Senators present with the exception of Senators English and Menor who were excused.

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

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor (Gov. Msg. Nos. 494 to 497) were read by the Clerk and were placed on file:

Gov. Msg. No. 494, dated March 4, 2008, transmitting the Aloha Tower Development Corporation's 2007 Annual Report, pursuant to Chapter 206J, HRS.

Gov. Msg. No. 495, dated March 5, 2008, transmitting the Child and Family Services and Progress Report, prepared by the Department of Human Services, Social Services Division, pursuant to Act 213, Section 54, SLH 2007.

Gov. Msg. No. 496, dated March 5, 2008, transmitting a Report of Cases of Abuse of Vulnerable Adults, prepared by the Department of Human Services, Social Services Division, pursuant to H.C.R. No. 104/H.R. No. 113 (2007).

Gov. Msg. No. 497, dated March 7, 2008, transmitting the Report on the Spouse and Child Abuse Special Account, prepared by the Department of Human Services, Social Services Division, pursuant to Section 346-7.5, HRS.

**SENATE CONCURRENT RESOLUTIONS**

The following concurrent resolutions (S.C.R. Nos. 103 to 124) were read by the Clerk and were deferred:

## Senate Concurrent Resolution

S.C.R. No. 103 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY ON THE IMPACT OF ACT 226, SESSION LAWS OF HAWAII 2007, ON NURSE AIDES WHO ARE EMPLOYED IN STATE-CERTIFIED OR STATE-LICENSED HEALTH CARE SETTINGS TO PROVIDE A BASIS FOR THE LEGISLATURE TO DECIDE WHETHER TO AMEND ACT 226, SESSION LAWS OF HAWAII 2007."

Offered by: Senators Baker, Chun Oakland, Ige, Kokubun.

S.C.R. No. 104 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE UNIVERSITY OF HAWAII, IN CONSULTATION WITH MEDICAL AND BRAIN INJURY EXPERTS, TO WORK WITH THE ATHLETIC COMMUNITY TO DEVELOP A STATEWIDE CONCUSSION PREVENTION AND AWARENESS PROGRAM FOR YOUNG ATHLETES."

Offered by: Senators Baker, Chun Oakland, Ige.

S.C.R. No. 105 "SENATE CONCURRENT RESOLUTION CALLING ON THE DEPARTMENT OF HUMAN SERVICES TO CONVENE A TASK FORCE TO ESTABLISH A PROTOCOL AND TRAINING PROGRAM

FOR FIRST RESPONDERS IN CHILD PROTECTIVE AWARENESS SKILLS."

Offered by: Senator Chun Oakland.

S.C.R. No. 106 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE OFFICE OF YOUTH SERVICES AND CHILD WELFARE SERVICES CONDUCT A STUDY INTO SAFE SHELTER OPTIONS FOR YOUTH."

Offered by: Senators Chun Oakland, Hemmings, Hooser, Ihara, Sakamoto.

S.C.R. No. 107 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP NUTRITIONALLY-SOUND PUBLIC SCHOOL MENU PLANS THAT GIVE STUDENTS THE OPTION OF A VEGETARIAN SCHOOL LUNCH MEAL."

Offered by: Senators Chun Oakland, Hemmings, Hooser, Ihara, Tokuda.

S.C.R. No. 108 "SENATE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF TRANSPORTATION AND COUNTY TRANSPORTATION AGENCIES TO ACTIVELY SEEK OPPORTUNITIES TO CONSTRUCT MORE ROUNDABOUTS INSTEAD OF SIGNALIZED, RIGHT-ANGLE INTERSECTIONS IN THE STATE."

Offered by: Senator English.

S.C.R. No. 109 "SENATE CONCURRENT RESOLUTION STRONGLY SUPPORTING THE PASSAGE AND ENACTMENT INTO LAW OF S.1315, THE VETERANS BENEFITS ENHANCEMENT ACT OF 2007, IN SUPPORT OF FILIPINO VETERANS."

Offered by: Senators Nishihara, Espero.

S.C.R. No. 110 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO STUDY THE FEASIBILITY OF INTEGRATING REHABILITATION PROGRAMS FOR STUDENTS WITH ANGER PROBLEMS."

Offered by: Senators Sakamoto, Nishihara.

S.C.R. No. 111 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PREPARE CURRICULAR MATERIALS THAT REFLECT THE HAWAII STANDARDS TO ASSIST A TEACHER WHO HAS TO TEMPORARILY TEACH IN AN AREA WHERE THE TEACHER IS NOT HIGHLY QUALIFIED."

Offered by: Senators Sakamoto, Chun Oakland, Nishihara, Taniguchi, Tokuda.

S.C.R. No. 112 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE THE LIBRARY TASK FORCE TO EXAMINE ISSUES RELATING TO THE PROVISION OF LIBRARY SERVICES THROUGHOUT THE STATE."

Offered by: Senators Sakamoto, Chun Oakland, Nishihara, Tokuda.

S.C.R. No. 113 "SENATE CONCURRENT RESOLUTION REQUESTING THE EDUCATIONAL WORKFORCE WORKING GROUP TO CONTINUE ITS WORK TO PLAN AND IMPLEMENT THE

RECOMMENDATIONS PROPOSED IN ITS 2007 REPORT TO THE LEGISLATURE.”

Offered by: Senators Sakamoto, Chun Oakland, Nishihara, Taniguchi, Tokuda.

S.C.R. No. 114 “SENATE CONCURRENT RESOLUTION CREATING A WORKING GROUP TO RE-ENGINEER THE DEPARTMENT OF EDUCATION’S OFFICE OF HUMAN RESOURCES.”

Offered by: Senators Sakamoto, Chun Oakland, Tokuda, Nishihara.

S.C.R. No. 115 “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A PILOT PROJECT TO ALLOW A SCHOOL COMPLEX TO IDENTIFY CRITICAL DEPARTMENT RULES AND POLICIES THAT IMPEDE EFFECTIVE DECISION-MAKING, ADMINISTERING, AND TEACHING AND TO OPERATE FREE OF THOSE RULES AND POLICIES.”

Offered by: Senators Sakamoto, Chun Oakland, Nishihara, Tokuda.

S.C.R. No. 116 “SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY.”

Offered by: Senators Kokubun, Tokuda, English, Hanabusa, Taniguchi.

S.C.R. No. 117 “SENATE CONCURRENT RESOLUTION SUPPORTING A HOME FOR THE AFRICAN AMERICAN DIVERSITY CULTURAL CENTER HAWAII.”

Offered by: Senator Fukunaga.

S.C.R. No. 118 “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A TASK FORCE TO ENSURE THAT ADDITIONAL INVESTMENT FOR EDUCATION IN THE STATE WILL MEET THE PUBLIC’S EXPECTATIONS.”

Offered by: Senators Sakamoto, Chun Oakland, Gabbard, Nishihara, Taniguchi, Tokuda.

S.C.R. No. 119 “SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO LEASE APPROXIMATELY 13.2 ACRES OF STATE-OWNED PUBLIC LAND NEAR KE’EHI LAGOON.”

Offered by: Senators Sakamoto, Chun Oakland, Fukunaga, Hanabusa, Bunda, Hee, Ihara.

S.C.R. No. 120 “SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AND THE DEPARTMENT OF EDUCATION TO DEVELOP, OFFER, AND EXPAND PHILIPPINE LANGUAGE COURSES.”

Offered by: Senators Sakamoto, Chun Oakland, Espero, Gabbard, Hooser, Nishihara, Tokuda, Taniguchi.

S.C.R. No. 121 “SENATE CONCURRENT RESOLUTION REQUESTING TEACHING STRATEGIES FOR SPEAKERS OF HAWAII PIDGIN IN HAWAII PUBLIC SCHOOLS.”

Offered by: Senators Sakamoto, Taniguchi, Chun Oakland, Gabbard, Nishihara, Tokuda.

S.C.R. No. 122 “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP A PLAN TO PROVIDE CURRENT PUBLIC SCHOOL ADMINISTRATORS AND FACULTY WITH COURSES IN HAWAIIAN LANGUAGE AND CULTURE INSTRUCTION, AND TO INCORPORATE THESE COURSES INTO THE DEPARTMENT’S PREFERENCES FOR EMPLOYMENT AND CONDITIONS FOR TEACHER LICENSURE.”

Offered by: Senators Sakamoto, Chun Oakland, Gabbard, Nishihara, Tokuda.

S.C.R. No. 123 “SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY THE FEASIBILITY IN HAWAII OF COMMUNITY-BASED AND WORK CAMP ALTERNATIVES TO MAINLAND PRISONS.”

Offered by: Senators Sakamoto, Espero, Nishihara.

S.C.R. No. 124 “SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF HUMAN SERVICES MEDICAID-SPONSORED PROGRAMS.”

Offered by: Senator Hanabusa, by request.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 58 to 63) were read by the Clerk and were deferred:

#### Senate Resolution

S.R. No. 58 “SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE UNIVERSITY OF HAWAII, IN CONSULTATION WITH MEDICAL AND BRAIN INJURY EXPERTS, TO WORK WITH THE ATHLETIC COMMUNITY TO DEVELOP A STATEWIDE CONCUSSION PREVENTION AND AWARENESS PROGRAM FOR YOUNG ATHLETES.”

Offered by: Senators Baker, Chun Oakland, Ige.

S.R. No. 59 “SENATE RESOLUTION CALLING ON THE DEPARTMENT OF HUMAN SERVICES TO CONVENE A TASK FORCE TO ESTABLISH A PROTOCOL AND TRAINING PROGRAM FOR FIRST RESPONDERS IN CHILD PROTECTIVE AWARENESS SKILLS.”

Offered by: Senator Chun Oakland.

S.R. No. 60 “SENATE RESOLUTION ENCOURAGING THE DEPARTMENT OF TRANSPORTATION AND COUNTY TRANSPORTATION AGENCIES TO ACTIVELY SEEK OPPORTUNITIES TO CONSTRUCT MORE ROUNDABOUTS INSTEAD OF SIGNALIZED, RIGHT-ANGLE INTERSECTIONS IN THE STATE.”

Offered by: Senator English.

S.R. No. 61 “SENATE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO STUDY THE FEASIBILITY OF INTEGRATING REHABILITATION PROGRAMS FOR STUDENTS WITH ANGER PROBLEMS.”

Offered by: Senators Sakamoto, Nishihara.

S.R. No. 62 “SENATE RESOLUTION SUPPORTING A HOME FOR THE AFRICAN AMERICAN DIVERSITY CULTURAL CENTER HAWAII.”

Offered by: Senator Fukunaga.

S.R. No. 63 “SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A TASK FORCE TO ENSURE THAT ADDITIONAL INVESTMENT FOR EDUCATION IN THE STATE WILL MEET THE PUBLIC’S EXPECTATIONS.”

Offered by: Senators Sakamoto, Chun Oakland, Gabbard, Nishihara, Taniguchi, Tokuda.

#### STANDING COMMITTEE REPORTS

Senator Nishihara, for the Committee on Tourism and Government Operations, presented a report (Stand. Com. Rep. No. 2912) recommending that the Senate advise and consent to the nominations to the Board of Directors of the Hawai‘i Tourism Authority of the following:

DOUGLAS KAHIKINA CHANG, in accordance with Gov. Msg. No. 423; and

LEON D. YOSHIDA, in accordance with Gov. Msg. No. 424.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2912 and Gov. Msg. Nos. 423 and 424 was deferred until Tuesday, March 11, 2008.

Senators Chun Oakland and Inouye, for the Committee on Human Services and Public Housing and the Committee on Intergovernmental and Military Affairs, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2913) recommending that S.R. No. 19, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2913 and S.R. No. 19, S.D. 1, entitled: “SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO AUTHORIZE THE ESTABLISHMENT OF A NATIONAL MONUMENT FOR WOMEN IN WASHINGTON, D.C., TO RECOGNIZE AND HONOR THE LEADERSHIP CONTRIBUTIONS OF AMERICA’S WOMEN,” was deferred until Tuesday, March 11, 2008.

Senators Chun Oakland and Inouye, for the Committee on Human Services and Public Housing and the Committee on Intergovernmental and Military Affairs, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2914) recommending that S.C.R. No. 44, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2914 and S.C.R. No. 44, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO AUTHORIZE THE ESTABLISHMENT OF A NATIONAL MONUMENT FOR WOMEN IN WASHINGTON, D.C., TO RECOGNIZE AND HONOR THE LEADERSHIP CONTRIBUTIONS OF AMERICA’S WOMEN,” was deferred until Tuesday, March 11, 2008.

Senators Chun Oakland, Nishihara and Inouye, for the Committee on Human Services and Public Housing, the Committee on Tourism and Government Operations and the Committee on Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 2915) recommending that S.C.R. No. 7, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2915 and S.C.R. No. 7, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE STATE AND COUNTIES TO COMPILE AN INVENTORY OF ABANDONED, EXCESS, AND UNDERUTILIZED PROPERTIES UNDER THEIR RESPECTIVE

JURISDICTIONS,” was deferred until Tuesday, March 11, 2008.

Senators Chun Oakland, Nishihara and Inouye, for the Committee on Human Services and Public Housing, the Committee on Tourism and Government Operations and the Committee on Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 2916) recommending that S.C.R. No. 26, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2916 and S.C.R. No. 26, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE STATE AND COUNTIES TO PROVIDE FOR THE SHARING OF THE SAME LOCATION FOR EDUCATIONAL, RECREATIONAL, HEALTH, AND HUMAN SERVICES PROGRAMS IN ABANDONED, EXCESS, AND UNDERUTILIZED PROPERTIES UNDER THEIR RESPECTIVE JURISDICTIONS,” was deferred until Tuesday, March 11, 2008.

#### ORDER OF THE DAY

##### ADVISE AND CONSENT

Stand. Com. Rep. No. 2910 (Gov. Msg. No. 428):

Senator Hee moved that Stand. Com. Rep. No. 2910 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of JOSEPH L. DWIGHT IV to the Hawai‘i Community Development Authority (HCDA), term to expire June 30, 2012, seconded by Senator Kokubun.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (English, Menor).

Stand. Com. Rep. No. 2911 (Gov. Msg. No. 431):

Senator Hee moved that Stand. Com. Rep. No. 2911 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of NORMAND R. LEZY to the Land Use Commission, term to expire June 30, 2012, seconded by Senator Kokubun.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (English, Menor).

#### ADOPTION OF RESOLUTIONS

##### MATTERS DEFERRED FROM FRIDAY, MARCH 7, 2008

Stand. Com. Rep. No. 2908 (S.C.R. No. 24, S.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 24, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION DESIGNATING THE FIRST WEEK IN FEBRUARY 2009 AS HAWAII TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK,” was adopted.

Stand. Com. Rep. No. 2909 (S.C.R. No. 54):

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.C.R. No. 54, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO

CONDUCT AN AUDIT OF THE ALOHA TOWER DEVELOPMENT CORPORATION, PARTICULARLY WITH REGARD TO LAWSUITS RELATING TO DEVELOPMENT PROJECTS," was adopted.

#### RE-REFERRAL OF HOUSE BILLS

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

House Bill	Referred to:
H.B. No. 12, H.D. 2	Committee on Health, then jointly to the Committee on Commerce, Consumer Protection and Affordable Housing and the Committee on Judiciary and Labor
H.B. No. 2145, H.D. 1	Committee on Tourism and Government Operations, then jointly to the Committee on Judiciary and Labor and the Committee on Ways and Means
H.B. No. 2198, H.D. 2	Jointly to the Committee on Human Services and Public Housing and the Committee on Judiciary and Labor, then to the Committee on Ways and Means
H.B. No. 2323, H.D. 2	Committee on Ways and Means
H.B. No. 2361, H.D. 1	Jointly to the Committee on Agriculture and Hawaiian Affairs and the Committee on Water and Land, then to the Committee on Ways and Means
H.B. No. 2527, H.D. 1	Committee on Commerce, Consumer Protection and Affordable Housing, then to the Committee on Ways and Means
H.B. No. 2553, H.D. 2	Jointly to the Committee on Commerce, Consumer Protection and Affordable Housing and the Committee on Judiciary and Labor, then to the Committee on Ways and Means
H.B. No. 2675, H.D. 2	Committee on Health, then to the Committee on Judiciary and Labor
H.B. No. 2781, H.D. 2	Committee on Economic Development and Taxation, then jointly to the Committee on Judiciary and Labor and the Committee on Ways and Means
H.B. No. 3139, H.D. 1	Jointly to the Committee on Human Services and Public Housing and the Committee on Judiciary and Labor, then to the Committee on Ways and Means

Senator Ige, Chair of the Committee on Health, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following House Bills:

H.B. No. 2137;  
H.B. No. 2256;  
H.B. No. 2438;  
H.B. No. 2758; and  
H.B. No. 3161.

Senator Ige noted:

"Madam President, all of these are companions to similar measures that the Senate had heard previously. The waivers are necessary in order to make the referral requirements and get the bills on, these are triple referral bills. And H.B. No. 3161 is an emergency appropriation that we are trying to process as soon as we can."

The Chair then granted the waiver.

Senator Hee rose on a point of personal privilege and said:

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

"In Sunday's *Advertiser* there was an article entitled 'Pier review' in the business section F. And in the article by Andrew

Gomes it had mentioned that the Senate was calling for an audit of the Aloha Tower Development Corporation. Having had the privilege of a pre-session discussion with the Vice President of this august body, I want to assure the members that she has every intention of moving forward and she will let us know how it goes.

"Thank you, Madam President."

#### ADJOURNMENT

At 11:54 a.m., on motion by Senator Baker, seconded by Senator Whalen and carried, the Senate adjourned until 11:30 a.m., Tuesday, March 11, 2008, on a rising vote, observing a moment of silence in memory of three special people who recently lost their battles with cancer: Mr. Andrew Sato, the young man from Pearl City whom we honored last week for his indomitable spirit, who faced the many hardships, in his young life with courage, hopeful outlook and a smile. The Reverend Frank Chong, a long time volunteer with the American Cancer Society and tireless advocate for the poor, homeless, the uninsured, and the elderly, who succumbed to a recurrence of his cancer on Sunday morning; and Auntie Genoa Keawe, who brought so much joy to so many in Hawai'i and beyond with her music, giving spirit and outlook on life.