

## ELEVENTH DAY

Friday, February 6, 2009

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2009, convened at 11:37 a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Josh Green, M.D., Hawai'i State Senate, after which the Roll was called showing all Senators present.

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

## HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 6) was read by the Clerk and was disposed of as follows:

Hse. Com. No. 6, transmitting H.B. No. 302, H.D. 1, which passed Third Reading in the House of Representatives on February 5, 2009, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 302, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," passed First Reading by title and was referred to the Committee on Ways and Means.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 36 to 39) were read by the Clerk and were deferred:

S.C.R. No. 36 "SENATE CONCURRENT RESOLUTION URGING EITHER THE DEPARTMENT OF LAND AND NATURAL RESOURCES OR THE DEPARTMENT OF TRANSPORTATION TO ACQUIRE THE BOATYARD ADJACENT TO THE STATE PIER AND WHARF FACILITY AND BOAT LAUNCH RAMP, AND TO ADDRESS PERMITTING AND USE CONFLICTS AT HANAIEI, KAUALI."

Offered by: Senator Bunda.

S.C.R. No. 37 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A PLAN FOR A STATE ORGANIC PROGRAM TO UNIFY THE STATE'S ORGANIC CERTIFICATION PRACTICES AND PROGRAMS."

Offered by: Senator Bunda.

S.C.R. No. 38 "SENATE CONCURRENT RESOLUTION URGING THE DEVELOPMENT OF A PLAN FOR INCREASING AID AND ASSISTANCE TO ORGANIC FARMERS."

Offered by: Senator Bunda.

S.C.R. No. 39 "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR TO INCLUDE THE KUKUI GARDENS AFFORDABLE HOUSING PROJECT IN THE STATE'S LIST OF SHOVEL-READY PROJECTS FOR THE PRESIDENT'S PROPOSED ECONOMIC STIMULUS PLAN."

Offered by: Senators Galuteria, Chun Oakland, Espero, Hanabusa, Kidani, Sakamoto, Bunda, Fukunaga, Ihara, Kim, Takamine.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 21 to 22) were read by the Clerk and were deferred:

S.R. No. 21 "SENATE RESOLUTION REQUESTING THE DEVELOPMENT OF A PLAN FOR A STATE ORGANIC PROGRAM TO UNIFY THE STATE'S ORGANIC CERTIFICATION PRACTICES AND PROGRAMS."

Offered by: Senator Bunda.

S.R. No. 22 "SENATE RESOLUTION URGING THE DEVELOPMENT OF A PLAN FOR INCREASING AID AND ASSISTANCE TO ORGANIC FARMERS."

Offered by: Senator Bunda.

## STANDING COMMITTEE REPORTS

Senator English, for the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3) recommending that S.B. No. 97 pass Second Reading and 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.B. No. 97, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR WAILUA EMERGENCY BYPASS ROAD REPAIR AND RESURFACING, AND WAIMEA WASTEWATER TREATMENT PLANT UPGRADES FOR THE COUNTY OF KAUA'I," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 4) recommending that S.B. No. 1666, as amended in S.D. 1, pass Second Reading and 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.B. No. 1666, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY ASSISTANCE TO NEEDY FAMILIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the majority of the Committee on Education and Housing, presented a report (Stand. Com. Rep. No. 5) recommending that S.B. No. 438 pass Second Reading and 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 majority of the Committee was adopted and S.B. No. 438, entitled: "A BILL FOR AN ACT RELATING TO BOARD OF EDUCATION MEETINGS," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Sakamoto, for the Committee on Education and Housing, presented a report (Stand. Com. Rep. No. 6) recommending that S.B. No. 732, as amended in S.D. 1, pass Second Reading and 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.B. No. 732, S.D. 1, entitled: "A BILL FOR AN ACT RELATING

TO TAXATION,” passed Second Reading and was referred to the Committee on Ways and Means.

**ORDER OF THE DAY**

**RE-REFERRAL OF SENATE BILLS**

The Chair re-referred the following Senate bills that were introduced:

S.B. No.	Referred to:
S.B. No. 166	Jointly to the Committee on Health and the Committee on Commerce and Consumer Protection
S.B. No. 171	Jointly to the Committee on Health and the Committee on Commerce and Consumer Protection
S.B. No. 430	Jointly to the Committee on Health and the Committee on Commerce and Consumer Protection
S.B. No. 588	Jointly to the Committee on Health and the Committee on Commerce and Consumer Protection
S.B. No. 591	Jointly to the Committee on Health and the Committee on Commerce and Consumer Protection
S.B. No. 794	Jointly to the Committee on Health and the Committee on Commerce and Consumer Protection
S.B. No. 795	Jointly to the Committee on Health and the Committee on Commerce and Consumer Protection
S.B. No. 940	Jointly to the Committee on Health and the Committee on Commerce and Consumer Protection
S.B. No. 1008	Jointly to the Committee on Health and the Committee on Energy and Environment
S.B. No. 1074	Committee on Health, then jointly to the Committee on Judiciary and Government Operations and the Committee on Ways and Means
S.B. No. 1077	Jointly to the Committee on Health and the Committee on Commerce and Consumer Protection
S.B. No. 1220	Jointly to the Committee on Health and the Committee on Commerce and Consumer Protection
S.B. No. 1264	Jointly to the Committee on Health and the Committee on Commerce and Consumer Protection

**RE-REFERRAL OF MESSAGES FROM THE GOVERNOR**

The Chair re-referred the following Governor’s Messages that were received:

G.M. No.	Re-referred to:
Gov. Msg. No. 257	Committee on Higher Education
Gov. Msg. No. 259	Committee on Higher Education
Gov. Msg. No. 260	Committee on Health

Gov. Msg. No. 266	Committee on Water, Land, Agriculture and Hawaiian Affairs
Gov. Msg. No. 269	Committee on Health
Gov. Msg. No. 272	Committee on Health
Gov. Msg. No. 274	Committee on Higher Education

At this time, Senator Hemmings rose on a point of personal privilege and said:

“Colleagues, I know that sometimes you wish you had a one-party system on the floor of this Legislature and certainly in committees, where oftentimes the good Senator from Hawai‘i Kai, Senator Slom, and myself feel it’s our duty to speak up on issues of the day.

“The founding fathers did write about the tyranny of the majority in oftentimes yielding our duty to the fleeting public opinion. But I feel it’s my duty to speak up once again about a problem that’s been plaguing this state for well over a generation. In that time, many young people have been cheated and a huge amount of money’s been spent with diminishing results. And I’d like to bring your attention once again to the headlines that we often see in newspapers: The Advertiser’s headline, ‘School spending up in Hawai‘i but scores down, study says.’

“The \$350,000 a year (last I checked) communications department—which is really the spin department for the Department of Education—says what it always says every time one of these headlines appear: DOE rejects ranking near bottom as meaningless.

“Well, I submit to you that it’s not meaningless, that something should and could be done. And business as usual, and throwing money at the Department of Education, and making sure that teachers are in charge of certain things like teacher accreditation, just does not make sense. And we just continue to do the same thing.

“Madam Chair and colleagues, are we going to continue to do the same thing or are we going to heed the warnings that are given to us on a regular basis?

“I know I will not yield, and I know Senator Slom will not yield in our quest to really bring about some significant change to our public education system.

“In closing, Madam President, these organizations don’t have a bias against Hawai‘i. They don’t go through and say, ‘Let’s make a nationwide study and let’s sock it to Hawai‘i.’ This is good information and really should be a lesson to us without going through denial about. So I’m hoping that the Education Committee can possibly do an audit on the \$2.4 billion dollars we spend to get some of the worst results in the nation. Thank you, Madam President.”

**ADJOURNMENT**

At 11:50 a.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Monday, February 9, 2009.