

FIFTEENTH DAY

Thursday, February 12, 2009

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2009, convened at 11:39 a.m. with the President in the Chair.

The Divine Blessing was invoked by Mr. Ryan Kalei Tsuji, Office of the Honorable David Y. Ige, 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 Fourteenth Day.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 43) was read by the Clerk and was deferred:

S.C.R. No. 43 "SENATE CONCURRENT RESOLUTION REQUESTING THE DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT TO APPLY FOR ACCREDITATION WITH THE COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES, INC."

Offered by: Senators Bunda, Hee, Hemmings, Kokubun, Takamine, Tokuda.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 23 to 25) were read by the Clerk and were deferred:

S.R. No. 23 "SENATE RESOLUTION REQUESTING THE DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT TO APPLY FOR ACCREDITATION WITH THE COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES, INC."

Offered by: Senators Bunda, Hee, Hemmings, Kokubun, Takamine, Tokuda.

S.R. No. 24 "SENATE RESOLUTION REQUESTING THE WESTERN ASSOCIATION OF SCHOOLS AND COLLEGES TO AMEND ITS CONSTITUTION TO REFLECT A MORE EQUITABLE GEOGRAPHIC REPRESENTATION AMONG THE TWENTY-SIX MEMBERS OF THE ACCREDITING COMMISSION FOR SCHOOLS."

Offered by: Senator Hee.

S.R. No. 25 "SENATE RESOLUTION URGING THE GOVERNOR AND THE ATTORNEY GENERAL TO WITHDRAW THE APPEAL TO THE UNITED STATES SUPREME COURT OF THE HAWAII STATE SUPREME COURT DECISION, OFFICE OF HAWAIIAN AFFAIRS V. HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII, 117 HAWAII 174 (2008)."

Offered by: Senator Hee.

STANDING COMMITTEE REPORTS

Senator Hee, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 33) recommending that S.B. No. 580, as amended in S.D. 1, 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 Committee was adopted and S.B. No. 580, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senators Tokuda and Ige, for the Committee on Higher Education and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 34) recommending that S.B. No. 1046 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 joint report of the Committees was adopted and S.B. No. 1046, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PROFESSIONAL EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Takamine, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 35) recommending that S.B. No. 691 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 Committee was adopted and S.B. No. 691, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR COMMISSION EMPLOYEES," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Takamine, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 36) recommending that S.B. No. 64 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 64, entitled: "A BILL FOR AN ACT RELATING TO THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 13, 2009.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 37) recommending that S.B. No. 110, 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. 110, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ELECTRICITY PAYMENTS FOR JUDICIARY FACILITIES STATEWIDE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 38) recommending that S.B. No. 194, 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. 194, 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.

Senator English, for the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 39) recommending that S.B. No. 979, as amended in S.D. 1, 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 Committee was adopted and S.B. No. 979, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVERS," passed Second Reading and

was referred to the Committee on Judiciary and Government Operations.

Senator English, for the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 40) recommending that S.B. No. 1056, as amended in S.D. 1, 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 Committee was adopted and S.B. No. 1056, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVERS," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator English, for the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 41) recommending that S.B. No. 1087, 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. 1087, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRETAX TRANSPORTATION BENEFIT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tokuda, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 42) recommending that S.B. No. 504, 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. 504, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 43) recommending that S.B. No. 1018 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. 1018, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COUNTY OF HAWAII MASS TRANSIT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 44) recommending that S.B. No. 1615 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 Committee was adopted and S.B. No. 1615, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSES," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator English, for the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 45) recommending that S.B. No. 1630, as amended in S.D. 1, 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 Committee was adopted and S.B. No. 1630, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator English, for the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 46) recommending that S.B. No. 1645 pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1645, entitled: "A BILL FOR AN ACT RELATING TO STATE BUILDING CODE," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 47) recommending that S.B. No. 120, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 120, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM MEDIATION ACT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 17, 2009.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 48) recommending that S.B. No. 119 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 119, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 13, 2009.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 49) recommending that S.B. No. 92 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 92, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 13, 2009.

ORDER OF THE DAY

THIRD READING

S.B. No. 123, S.D. 1:

On motion by Senator English, seconded by Senator Gabbard and carried, S.B. No. 123, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 302, H.D. 1:

Senator Kim moved that H.B. No. 302, H.D. 1 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to speak in favor of the measure and said:

“I would like to say that the Senate has cut 7.39 percent out of its budget and that’s a good thing. But I would also like to remind colleagues and the public that the cost of operation for this legislative session and its agencies, whether we do anything good or do anything at all, is still over \$36 million dollars, and that’s still an important price that has to be paid by the taxpayers. Thank you.”

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

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

S.B. No. 697:

On motion by Senator English, seconded by Senator Gabbard and carried, S.B. No. 697, entitled: “A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Hemmings, Slom). Excused, 1 (Hee).

S.B. No. 715:

On motion by Senator English, seconded by Senator Gabbard and carried, S.B. No. 715, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” passed Third Reading on the following showing of Ayes and Noes:

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

MISCELLANEOUS COMMUNICATION

The following communication (Misc. Com. No. 1) was read by the Clerk and was placed on file:

Misc. Com. No. 1, dated February 6, 2009, transmitting a report pursuant to H.C.R. No. 53 (2008), requesting the Healthcare Association of Hawaii to continue its efforts to develop solutions to the problem of patients in hospitals who are waitlisted for long term care.

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

“While I’m not sure what many of us will be doing on Valentine’s Day on Saturday, we do know what the Senate President will be doing: She’ll be in Boston, Massachusetts, receiving a very prestigious award from the American Bar Association. She will be receiving the Spirit of Excellence Award, one of seven people nationally, by the Diversity Committee, the Commission on Racial and Ethnic Diversity in the Profession of Law. I think it’s a great honor, not only for the State Senate, but also for the people of the State of Hawai‘i.

“The other recipients of this award—and I’m sure you know some of the names—Julius Chambers, Joan Haratani, Professor Charles Ogletree, Richard Soden, William Von Hoene, Jr., and the former Chief Justice of the New Mexico Supreme Court Daniel Sosa. The award purpose as stated by the ABA is ‘celebrating the efforts and accomplishments of lawyers who work to promote a more racially and ethnically diverse legal profession. The awards are presented to lawyers who excel in their professional settings, who personify excellence on the national, state or local level, and who have demonstrated a commitment to racial and ethnic diversity in the legal profession.’ Congratulations to you, Senate President.”

ADJOURNMENT

At 11:51 a.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Friday, February 13, 2009.