

SEVENTEENTH DAY

Tuesday, February 17, 2009

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2009, convened at 11:36 a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Daryl Yamada, Mililani Missionary Church, after which the Roll was called showing all Senators present.

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

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 45 to 47) were read by the Clerk and were deferred:

S.C.R. No. 45 "SENATE CONCURRENT RESOLUTION REQUESTING A SUNRISE REVIEW OF PROFESSIONAL EMPLOYER ORGANIZATIONS."

Offered by: Senators Fukunaga, Baker, Espero, Ige.

S.C.R. No. 46 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE COUNTIES AMEND THEIR CHARTERS OR ORDINANCES TO REQUIRE CANDIDATES FOR COUNTY ELECTIVE OFFICES TO FILE FINANCIAL DISCLOSURE STATEMENTS ON THE SAME DATE AS NOMINATION PAPERS."

Offered by: Senators Baker, Chun Oakland, English, Ihara, Tsutsui, Fukunaga, Takamine.

S.C.R. No. 47 "SENATE CONCURRENT RESOLUTION PROCLAIMING 2009 AS THE YEAR OF THE ARMY NONCOMMISSIONED OFFICER CORPS OF THE UNITED STATES ARMY."

Offered by: Senators Espero, Tokuda, Bunda, Gabbard, Hemmings, Kidani, Taniguchi.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 27 to 28) were read by the Clerk and were deferred:

S.R. No. 27 "SENATE RESOLUTION REQUESTING THAT THE COUNTIES AMEND THEIR CHARTERS OR ORDINANCES TO REQUIRE CANDIDATES FOR COUNTY ELECTIVE OFFICES TO FILE FINANCIAL DISCLOSURE STATEMENTS ON THE SAME DATE AS NOMINATION PAPERS."

Offered by: Senators Baker, Chun Oakland, English, Ihara, Tsutsui, Fukunaga, Takamine.

S.R. No. 28 "SENATE RESOLUTION PROCLAIMING 2009 AS THE YEAR OF THE ARMY NONCOMMISSIONED OFFICER CORPS OF THE UNITED STATES ARMY."

Offered by: Senators Espero, Tokuda, Bunda, Gabbard, Hemmings, Kidani.

STANDING COMMITTEE REPORTS

Senators Tokuda and Gabbard, for the Committee on Higher Education and the Committee on Energy and Environment, presented a joint report (Stand. Com. Rep. No. 65) recommending that S.B. No. 1280, 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 joint report of the Committees was adopted and

S.B. No. 1280, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Gabbard and Sakamoto, for the Committee on Energy and Environment and the Committee on Education and Housing, presented a joint report (Stand. Com. Rep. No. 66) recommending that S.B. No. 241, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Transportation, International and Intergovernmental Affairs.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 241, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Transportation, International and Intergovernmental Affairs.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 67) recommending that S.B. No. 606, as amended in S.D. 1, 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. 606, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Nishihara, for the majority of the Committee on Tourism, presented a report (Stand. Com. Rep. No. 68) recommending that S.B. No. 1167, 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 majority of the Committee was adopted and S.B. No. 1167, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," 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. 69) recommending that S.B. No. 1054, 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. 1054, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," 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. 70) recommending that S.B. No. 1614, 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. 1614, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PASSENGER FACILITY CHARGE SPECIAL FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Gabbard and Sakamoto, for the Committee on Energy and Environment and the Committee on Education and

Housing, presented a joint report (Stand. Com. Rep. No. 71) recommending that S.B. No. 178 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. 178, entitled: "A BILL FOR AN ACT RELATING TO FOOD WASTE RECYCLING," 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. 72) recommending that S.B. No. 1206 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. 1206, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," 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. 73) recommending that S.B. No. 15 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. 15, entitled: "A BILL FOR AN ACT RELATING TO THE POWER OF ARREST," 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. 74) recommending that S.B. No. 483 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. 483, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE," 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. 75) recommending that S.B. No. 470 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. 470, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

ORDER OF THE DAY

THIRD READING

S.B. No. 120, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 120, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM MEDIATION ACT," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 264:

On motion by Senator Nishihara, seconded by Senator Galuteria and carried, S.B. No. 264, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Espero, Chair of the Committee on Public Safety and Military Affairs, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.B. No. 859.

Senator Espero noted:

"This measure should have been filed yesterday. However, due to the holiday, it was missed."

The Chair granted the waiver.

Senator Fukunaga, Chair of the Committee on Economic Development and Technology, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.B. No. 972.

Senator Fukunaga noted:

"This measure relating to tax administration will ensure that Hawai'i businesses and residents are paying their fair share of taxes by providing the Department of Taxation with resources to seek enforcement against non-compliant, cash-based businesses."

The Chair granted the waiver.

ADJOURNMENT

At 11:43 a.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Wednesday, February 18, 2009.