

THIRTIETH DAY

Tuesday, March 17, 2009

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2009, convened at 11:34 a.m. with the President in the Chair.

The Divine Blessing was invoked by the Most Reverend Clarence Silva, Bishop of Honolulu, Catholic Diocese, after which the Roll was called showing all Senators present with the exception of Senators Green and Hemmings who were excused.

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

At this time, the following introductions were made to the members of the Senate:

Senators Kokubun, Hooser, Hee, Tokuda, and Takamine introduced the following University of Hawai'i Agriculture Leadership Program shadows: Laurie Goodwin, Hawai'i Outreach Manager of Syngenta Seeds; Randy Yokoyama, Operation Manager for Monsanto; Irene Plunkett-Mina, co-owner of Kahanu Aina Sprouts; Kylie Matsuda, Managing Director of Kahuku Farms; and Sabrina White, Assistant Manager of Ponooho Ranch, Ltd.

Senator Hee also introduced Kate Bodendorfer, a University of Hawai'i extern.

Senators Espero, Ige, and Chun Oakland commended the Healthy Start Program on its 25th Anniversary and introduced Patti Lyons, board member of Consuelo Foundation, and Ruth Ann Quitiquit, Director of Parents and Children Together.

Senator Espero congratulated Kahi Mohala on its 25th Anniversary and introduced Mr. Leonard Licina, Chief Executive Officer, and Dr. Nancy Pace, Chair of Development and member of the Board of Directors.

Senators Espero and Fukunaga congratulated the Junior League of Honolulu on its 85th Anniversary and introduced current President Christine Lau and incoming President Kimberly Frank.

At 12:05 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:14 p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 489 to 490) were read by the Clerk and were placed on file.

Gov. Msg. No. 489, informing the Senate that on March 12, 2009, the Governor withdrew the nomination of MERCEDES NERI to the Board of Registration of the Islands of Maui, Molokai, Lanai, and Kaho'olawe, under Gov. Msg. No. 350, dated January 29, 2009

In compliance with Gov. Msg. No. 489, the nomination listed under Gov. Msg. No. 350 was returned.

Gov. Msg. No. 490, dated March 16, 2009, transmitting the Department of Taxation's Annual Report 2007-2008, pursuant to Section 231-3, HRS.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 345 to 347) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 345, transmitting H.B. No. 200, H.D. 1, which passed Third Reading in the House of Representatives on March 16, 2009, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 200, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 346, transmitting H.B. No. 300, H.D. 1, which passed Third Reading in the House of Representatives on March 16, 2009, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 300, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading by title and was referred to the Committee on Judiciary and Government Operations, then to the Committee on Ways and Means.

Hse. Com. No. 347, transmitting H.B. No. 900, H.D. 2, which passed Third Reading in the House of Representatives on March 16, 2009, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 900, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," passed First Reading by title and was referred to the Committee on Water, Land, Agriculture and Hawaiian Affairs, then to the Committee on Ways and Means.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 74 to 90) were read by the Clerk and were deferred:

S.C.R. No. 74 "SENATE CONCURRENT RESOLUTION REQUESTING THE OBAMA ADMINISTRATION TO HOST A UNITED NATIONS CLIMATE CHANGE CONFERENCE IN HAWAII IN 2010."

Offered by: Senator Tokuda, by request.

S.C.R. No. 75 "SENATE CONCURRENT RESOLUTION URGING STATEWIDE NEWS MEDIA AND MEMBERS OF THE PRESS TO INCREASE COVERAGE OF STATE AND LOCAL GOVERNMENTAL ISSUES."

Offered by: Senator Hanabusa, by request.

S.C.R. No. 76 "SENATE CONCURRENT RESOLUTION RECOMMENDING THAT THE KAPOLEI COURT COMPLEX BE RENAMED AS "THE RONALD T.Y. MOON JUDICIAL COMPLEX"."

Offered by: Senator Hanabusa.

S.C.R. No. 77 "SENATE CONCURRENT RESOLUTION RENAMING MAUI MEMORIAL MEDICAL CENTER IN HONOR OF REPRESENTATIVE ROBERT H. "BOB" NAKASONE."

Offered by: Senator Hanabusa.

S.C.R. No. 78 "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS SEAWARD OF TAX MAP KEY: (2) 4-3-2: 27, AT KAA NAPALI, MAUI, FOR CONCRETE PIER BLOCK REMNANTS PURPOSES."

Offered by: Senators Baker, English, Tsutsui.

S.C.R. No. 79 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO DEVELOP POLICIES AND PROCEDURES TO AUCTION THE NAMING RIGHTS FOR BUILDINGS AND FACILITIES ON THE UNIVERSITY OF HAWAII – WEST OAHU CAMPUS."

Offered by: Senators Gabbard, Baker, Bunda, Chun Oakland, English, Espero, Galuteria, Kidani, Tokuda.

S.C.R. No. 80 "SENATE CONCURRENT RESOLUTION URGING NONPROFIT ORGANIZATIONS AND COMMUNITY GROUPS TO ESTABLISH SAFETY PROCEDURES FOR ROADSIDE SOLICITATION OF FUNDS AND DONATED GOODS."

Offered by: Senators Kidani, Baker, Bunda, Chun Oakland, English, Espero, Fukunaga, Galuteria, Green, Hee, Hooser, Ige, Kim, Nishihara, Sakamoto, Taniguchi.

S.C.R. No. 81 "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO REVIEW THE FEASIBILITY OF DEVELOPING SINGLE ROOM OCCUPANCY DWELLINGS IN TRANSIT ORIENTED DEVELOPMENT PROJECTS, TO ALLEVIATE THE AFFORDABLE HOUSING SHORTAGE."

Offered by: Senators Sakamoto, Chun Oakland, Galuteria, Kidani.

S.C.R. No. 82 "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION AND THE HAWAII PUBLIC HOUSING AUTHORITY TO DETERMINE CURRENT INFORMATION ON AFFORDABLE HOUSING, REVIEW PAST DATA, AND UPDATE PROJECTIONS FOR FUTURE NEEDS."

Offered by: Senators Sakamoto, Chun Oakland, Galuteria, Kidani.

S.C.R. No. 83 "SENATE CONCURRENT RESOLUTION ESTABLISHING THE HAWAII GEOGRAPHIC EXCEPTION TASK FORCE TO IDENTIFY AND EVALUATE THE PROCESS BY WHICH PUBLIC SCHOOL GEOGRAPHIC EXCEPTIONS ARE APPROVED AND TO MAKE RECOMMENDATIONS TO CLARIFY AND IMPROVE THE GEOGRAPHIC EXCEPTION PROCESS."

Offered by: Senators Sakamoto, Chun Oakland, Galuteria, Kidani.

S.C.R. No. 84 "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE AUDITOR TO CONDUCT AN IMMEDIATE FINANCIAL STATEMENT AUDIT OF THE WATERS OF LIFE PUBLIC CHARTER SCHOOL FOR FISCAL YEAR 2006-2007 AND FISCAL YEAR 2007-2008."

Offered by: Senators Sakamoto, Chun Oakland, Galuteria, Kidani.

S.C.R. No. 85 "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE LIBRARIAN TO ESTABLISH A TASK FORCE TO IDENTIFY THE LIBRARY SERVICES NEEDED IN UNDERSERVED COMMUNITIES."

Offered by: Senators Sakamoto, Galuteria, Kidani.

S.C.R. No. 86 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP AN INVENTORY OF ALL TEXTBOOKS FOR ALL PUBLIC SCHOOLS."

Offered by: Senators Sakamoto, Galuteria, Kidani.

S.C.R. No. 87 "SENATE CONCURRENT RESOLUTION URGING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO CONVENE A TASK FORCE TO REVIEW STATE AND COUNTY AFFORDABLE HOUSING APPROVAL REQUIREMENTS AND PROCEDURES."

Offered by: Senators Sakamoto, Chun Oakland, Galuteria, Kidani.

S.C.R. No. 88 "SENATE CONCURRENT RESOLUTION URGING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO ESTABLISH A TRANSIT ORIENTED DEVELOPMENT TASK FORCE TO FACILITATE MIXED-INCOME AND AFFORDABLE HOUSING IN TRANSIT ORIENTED DEVELOPMENTS BY BETTER COORDINATING TRANSPORTATION AND HOUSING PLANNING AND PROGRAMS."

Offered by: Senators Sakamoto, Chun Oakland, Galuteria, Kidani.

S.C.R. No. 89 "SENATE CONCURRENT RESOLUTION REQUESTING THE CLEAN UP AND INVESTIGATION OF ILLEGAL DUMPING AND ILLEGAL STRUCTURES AT LAUMAILE STREET IN KALIHI AND THE DEVELOPMENT AND IMPLEMENTATION OF MEASURES TO PREVENT ILLEGAL DUMPING AND ILLEGAL STRUCTURES IN THE AREA."

Offered by: Senators Kim, Bunda, Chun Oakland, Espero, Fukunaga, Gabbard, Galuteria, Hee, Hooser, Ige, Kidani, Kokubun, Nishihara, Sakamoto, Takamine, Taniguchi, Tsutsui.

S.C.R. No. 90 "SENATE CONCURRENT RESOLUTION URGING CONGRESS TO OPPOSE THE PROPOSED RULE AMENDMENTS PUBLISHED ON APRIL 10, 2008 IN THE FEDERAL REGISTER (73 FED. REG. 19708) THAT IMPLEMENT THE DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 2000, AND TO SUPPORT NEW SECTIONS IN THE UPCOMING REAUTHORIZATION."

Offered by: Senators Bunda, Chun Oakland, Fukunaga.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 45 to 55) were read by the Clerk and were deferred:

S.R. No. 45 "SENATE RESOLUTION REQUESTING THE OBAMA ADMINISTRATION TO HOST A UNITED NATIONS CLIMATE CHANGE CONFERENCE IN HAWAII IN 2010."

Offered by: Senator Tokuda, by request.

S.R. No. 46 "SENATE RESOLUTION URGING STATEWIDE NEWS MEDIA AND MEMBERS OF THE PRESS TO INCREASE COVERAGE OF STATE AND LOCAL GOVERNMENTAL ISSUES."

Offered by: Senator Hanabusa, by request.

S.R. No. 47 "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO DEVELOP POLICIES AND PROCEDURES TO AUCTION THE NAMING RIGHTS FOR BUILDINGS AND FACILITIES ON THE UNIVERSITY OF HAWAII – WEST OAHU CAMPUS."

Offered by: Senators Gabbard, Baker, Bunda, Chun Oakland, English, Espero, Galuteria, Kidani, Tokuda.

S.R. No. 48 "SENATE RESOLUTION URGING NONPROFIT ORGANIZATIONS AND COMMUNITY GROUPS TO ESTABLISH SAFETY PROCEDURES FOR ROADSIDE SOLICITATION OF FUNDS AND DONATED GOODS."

Offered by: Senators Kidani, Baker, Bunda, Chun Oakland, English, Espero, Fukunaga, Galuteria, Green, Hee, Hooser, Ige, Kim, Nishihara, Sakamoto, Taniguchi.

S.R. No. 49 "SENATE RESOLUTION REQUESTING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO REVIEW THE FEASIBILITY OF DEVELOPING SINGLE ROOM OCCUPANCY DWELLINGS IN TRANSIT ORIENTED DEVELOPMENT PROJECTS, TO ALLEVIATE THE AFFORDABLE HOUSING SHORTAGE."

Offered by: Senators Sakamoto, Chun Oakland, Galuteria, Kidani.

S.R. No. 50 "SENATE RESOLUTION REQUESTING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION AND THE HAWAII PUBLIC HOUSING AUTHORITY TO DETERMINE CURRENT INFORMATION ON AFFORDABLE HOUSING, REVIEW PAST DATA, AND UPDATE PROJECTIONS FOR FUTURE NEEDS."

Offered by: Senators Sakamoto, Galuteria, Kidani.

S.R. No. 51 "SENATE RESOLUTION ESTABLISHING THE HAWAII GEOGRAPHIC EXCEPTION TASK FORCE TO IDENTIFY AND EVALUATE THE PROCESS BY WHICH PUBLIC SCHOOL GEOGRAPHIC EXCEPTIONS ARE APPROVED AND TO MAKE RECOMMENDATIONS TO CLARIFY AND IMPROVE THE GEOGRAPHIC EXCEPTION PROCESS."

Offered by: Senators Sakamoto, Chun Oakland, Galuteria.

S.R. No. 52 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP AN INVENTORY OF ALL TEXTBOOKS FOR ALL PUBLIC SCHOOLS."

Offered by: Senators Sakamoto, Galuteria, Kidani.

S.R. No. 53 "SENATE RESOLUTION URGING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO CONVENE A TASK FORCE TO REVIEW STATE AND COUNTY AFFORDABLE HOUSING APPROVAL REQUIREMENTS AND PROCEDURES."

Offered by: Senators Sakamoto, Chun Oakland, Galuteria, Kidani.

S.R. No. 54 "SENATE RESOLUTION URGING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO ESTABLISH A TRANSIT ORIENTED DEVELOPMENT TASK FORCE TO FACILITATE MIXED-INCOME AND AFFORDABLE HOUSING IN TRANSIT ORIENTED DEVELOPMENTS BY BETTER COORDINATING TRANSPORTATION AND HOUSING PLANNING AND PROGRAMS."

Offered by: Senators Sakamoto, Chun Oakland, Galuteria, Kidani.

S.R. No. 55 "SENATE RESOLUTION REQUESTING THE CLEAN UP AND INVESTIGATION OF ILLEGAL DUMPING AND ILLEGAL STRUCTURES AT LAUMAILE STREET IN KALIHI AND THE DEVELOPMENT AND IMPLEMENTATION OF MEASURES TO PREVENT

ILLEGAL DUMPING AND ILLEGAL STRUCTURES IN THE AREA."

Offered by: Senators Kim, Baker, Bunda, Chun Oakland, Espero, Fukunaga, Galuteria, Hee, Hooser, Ige, Kidani, Kokubun, Sakamoto, Takamine, Taniguchi, Tokuda, Tsutsui.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 873 (Gov. Msg. No. 416):

Senator Baker moved that Stand. Com. Rep. No. 873 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of ROY M. SASUGA to the Motor Vehicle Repair Industry Board, term to expire June 30, 2010, seconded by Senator Ige.

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

Ayes, 23. Noes, none. Excused, 2 (Green, Hemmings).

Stand. Com. Rep. No. 874 (Gov. Msg. No. 277):

Senator Baker moved that Stand. Com. Rep. No. 874 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of WERNER UMBHAU to the Motor Vehicle Industry Licensing Board, term to expire June 30, 2013, seconded by Senator Ige.

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

Ayes, 23. Noes, none. Excused, 2 (Green, Hemmings).

Stand. Com. Rep. No. 875 (Gov. Msg. No. 251):

Senator Baker moved that Stand. Com. Rep. No. 875 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of JOHN K. GIBO to the Cable Advisory Committee, term to expire June 30, 2010, seconded by Senator Ige.

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

Ayes, 23. Noes, none. Excused, 2 (Green, Hemmings).

Stand. Com. Rep. No. 876 (Gov. Msg. No. 248):

Senator Baker moved that Stand. Com. Rep. No. 876 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of WARREN J. FERREIRA to the Board of Private Detectives and Guards, term to expire June 30, 2013, seconded by Senator Ige.

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

Ayes, 23. Noes, none. Excused, 2 (Green, Hemmings).

Stand. Com. Rep. No. 877 (Gov. Msg. Nos. 279 and 253):

Senator Baker moved that Stand. Com. Rep. No. 877 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Board of Acupuncture of the following:

ULRIKE WEISS, term to expire June 30, 2013 (Gov. Msg. No. 279); and

RANDALL M. HASHIMOTO, term to expire June 30, 2012 (Gov. Msg. No. 253),

seconded by Senator Ige.

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

Ayes, 23. Noes, none. Excused, 2 (Green, Hemmings).

Stand. Com. Rep. No. 878 (Gov. Msg. No. 273):

Senator Baker moved that Stand. Com. Rep. No. 878 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of JOY BERNADETTE YUKIKO SHIMABUKU to the Board of Examiners in Optometry, term to expire June 30, 2013, seconded by Senator Ige.

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

Ayes, 23. Noes, none. Excused, 2 (Green, Hemmings).

Stand. Com. Rep. No. 879 (Gov. Msg. No. 276):

Senator Baker moved that Stand. Com. Rep. No. 879 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of MICHAEL D. TURNER to the Board of Physical Therapy, term to expire June 30, 2013, seconded by Senator Ige.

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

Ayes, 23. Noes, none. Excused, 2 (Green, Hemmings).

Stand. Com. Rep. No. 880 (Gov. Msg. No. 271):

Senator Baker moved that Stand. Com. Rep. No. 880 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of REBECCA H. RHOADES DVM to the Board of Veterinary Examiners, term to expire June 30, 2013, seconded by Senator Ige.

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

Ayes, 23. Noes, none. Excused, 2 (Green, Hemmings).

Stand. Com. Rep. No. 881 (Gov. Msg. No. 275):

Senator Baker moved that Stand. Com. Rep. No. 881 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of MAURICE F. TORIGOE to the Board of Electricians and Plumbers, term to expire June 30, 2013, seconded by Senator Ige.

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

Ayes, 23. Noes, none. Excused, 2 (Green, Hemmings).

Stand. Com. Rep. No. 882 (Gov. Msg. Nos. 252 and 264):

Senator Baker moved that Stand. Com. Rep. No. 882 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Board of Dental Examiners of the following:

MARIAN J. GREY, term to expire June 30, 2013 (Gov. Msg. No. 252); and

CHERYL M. NAKAGAWA RDH, term to expire June 30, 2013 (Gov. Msg. No. 264),

seconded by Senator Ige.

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

Ayes, 23. Noes, none. Excused, 2 (Green, Hemmings).

Stand. Com. Rep. No. 883 (Gov. Msg. No. 265):

Senator Baker moved that Stand. Com. Rep. No. 883 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of RONALD H. NAKAMINE to the Elevator Mechanics Licensing Board, term to expire June 30, 2013, seconded by Senator Ige.

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

Ayes, 23. Noes, none. Excused, 2 (Green, Hemmings).

Stand. Com. Rep. No. 884 (Gov. Msg. Nos. 267 and 270):

Senator Baker moved that Stand. Com. Rep. No. 884 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Board of Psychology of the following:

CAROL L. NOWAK, term to expire June 30, 2012 (Gov. Msg. No. 267); and

MARGO I. PETER, term to expire June 30, 2012 (Gov. Msg. No. 270),

seconded by Senator Ige.

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

Ayes, 23. Noes, none. Excused, 2 (Green, Hemmings).

Stand. Com. Rep. No. 885 (Gov. Msg. Nos. 263 and 415):

Senator Baker moved that Stand. Com. Rep. No. 885 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Board of Massage Therapy of the following:

OLIVIA B. NAGASHIMA, term to expire June 30, 2010 (Gov. Msg. No. 263); and

WENDEE J. WILSON, term to expire June 30, 2013 (Gov. Msg. No. 415),

seconded by Senator Ige.

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

Ayes, 23. Noes, none. Excused, 2 (Green, Hemmings).

Stand. Com. Rep. No. 886 (Gov. Msg. No. 258):

Senator Baker moved that Stand. Com. Rep. No. 886 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of LAN K. KAO to the Board of Acupuncture, term to expire June 30, 2012, seconded by Senator Ige.

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

Ayes, 23. Noes, none. Excused, 2 (Green, Hemmings).

Stand. Com. Rep. No. 887 (Gov. Msg. No. 256):

Senator Baker moved that Stand. Com. Rep. No. 887 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of JUDITH A. JORDAN to the Elevator Mechanics Licensing Board, term to expire June 30, 2013, seconded by Senator Ige.

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

Ayes, 23. Noes, none. Excused, 2 (Green, Hemmings).

Stand. Com. Rep. No. 888 (Gov. Msg. No. 255):

Senator Baker moved that Stand. Com. Rep. No. 888 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of JAMES S. HOBAN JR. to the State Board of Nursing, term to expire June 30, 2012, seconded by Senator Ige.

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

Ayes, 23. Noes, none. Excused, 2 (Green, Hemmings).

Stand. Com. Rep. No. 889 (Gov. Msg. Nos. 250 and 261):

Senator Baker moved that Stand. Com. Rep. No. 889 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Pest Control Board of the following:

ALVIN F. FUKUYAMA, term to expire June 30, 2013 (Gov. Msg. No. 250); and

ROBERT H. KOIDE, term to expire June 30, 2013 (Gov. Msg. No. 261),

seconded by Senator Ige.

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

Ayes, 23. Noes, none. Excused, 2 (Green, Hemmings).

Stand. Com. Rep. No. 890 (Gov. Msg. No. 249):

Senator Baker moved that Stand. Com. Rep. No. 890 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of DAN F. FUJII DDS, MPH to the Board of Dental Examiners, term to expire June 30, 2013, seconded by Senator Ige.

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

Ayes, 23. Noes, none. Excused, 2 (Green, Hemmings).

Stand. Com. Rep. No. 891 (Gov. Msg. No. 247):

Senator Baker moved that Stand. Com. Rep. No. 891 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of HAROLD R. DECOSTA to the Board of Directors of the Hawai'i Hurricane Relief Fund, term to expire June 30, 2013, seconded by Senator Ige.

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

Ayes, 23. Noes, none. Excused, 2 (Green, Hemmings).

Stand. Com. Rep. No. 892 (Gov. Msg. No. 246):

Senator Baker moved that Stand. Com. Rep. No. 892 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of BRIAN E. CODY to the Hawaii Medical Board, term to expire June 30, 2013, seconded by Senator Ige.

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

Ayes, 23. Noes, none. Excused, 2 (Green, Hemmings).

Stand. Com. Rep. No. 893 (Gov. Msg. No. 245):

Senator Baker moved that Stand. Com. Rep. No. 893 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of MARK E. BROWN to the Board of Pharmacy, term to expire June 30, 2013, seconded by Senator Ige.

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

Ayes, 23. Noes, none. Excused, 2 (Green, Hemmings).

Stand. Com. Rep. No. 894 (Gov. Msg. No. 244):

Senator Baker moved that Stand. Com. Rep. No. 894 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of LEE ANN M. APAO to the State Board of Barbering and Cosmetology, term to expire June 30, 2013, seconded by Senator Ige.

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

Ayes, 23. Noes, none. Excused, 2 (Green, Hemmings).

Stand. Com. Rep. No. 895 (Gov. Msg. No. 243):

Senator Baker moved that Stand. Com. Rep. No. 895 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of CHARLES A. AKI to the Board of Physical Therapy, term to expire June 30, 2013, seconded by Senator Ige.

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

Ayes, 23. Noes, none. Excused, 2 (Green, Hemmings).

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM MONDAY, MARCH 16, 2009

Stand. Com. Rep. No. 870 (S.C.R. No. 24, S.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 24, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING FULL PRESERVATION OF UNITED STATES MARINE CORPS AIR STATION EWA AS A NATIONAL MONUMENT, MUSEUM, AND RESTORED PARK FOR THE STATE OF HAWAII," was adopted.

Stand. Com. Rep. No. 871 (S.R. No. 28, S.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 28, S.D. 1, entitled: "SENATE RESOLUTION PROCLAIMING 2009 AS THE YEAR OF THE NONCOMMISSIONED OFFICER CORPS OF THE UNITED STATES ARMY," was adopted.

Stand. Com. Rep. No. 872 (S.C.R. No. 47, S.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 47, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION PROCLAIMING 2009 AS THE YEAR OF THE NONCOMMISSIONED OFFICER CORPS OF THE UNITED STATES ARMY," was adopted.

Stand. Com. Rep. No. 896 (S.R. No. 20, S.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.R. No. 20, S.D. 1, entitled: "SENATE RESOLUTION URGING THE UNITED STATES POSTAL SERVICE TO ISSUE POSTAL STAMPS HONORING THE WORLD WAR II NISEI SOLDIERS, OTHER DISTINGUISHED MILITARY UNITS IN UNITED STATES HISTORY, AND AMERICANS WHO WORKED TOWARD ENDING DISCRIMINATION BASED ON RACE OR NATIONAL ORIGIN," was adopted.

Stand. Com. Rep. No. 897 (S.C.R. No. 33, S.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 33, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES POSTAL SERVICE TO ISSUE POSTAL STAMPS HONORING THE WORLD WAR II NISEI SOLDIERS, OTHER DISTINGUISHED MILITARY UNITS IN UNITED STATES HISTORY, AND AMERICANS WHO WORKED TOWARD ENDING DISCRIMINATION BASED ON RACE OR NATIONAL ORIGIN," was adopted.

Stand. Com. Rep. No. 898 (S.C.R. No. 42):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 42, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS TO DESIGNATE THE AREA IN HONOLULU BETWEEN KALIHI AND PUNAHOU STREETS, AND THE PALI LOOKOUT AND THE PACIFIC OCEAN AS A NATIONAL HERITAGE AREA," was adopted.

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

"I think yesterday was a very black day for the State of Hawai'i and the people of Hawai'i. First, we had the State Supreme Court ruling on the Hawai'i Superferry, followed by the Superferry's announcement that they're suspending operations.

"We have been intimately involved in this process for a number of years. This legislative branch spent a great deal of time in a special session trying to craft legislation after hearing from various voices throughout the community and throughout the state about what to do. And it was our belief that we had in fact accomplished that fact—legislation that would stand the muster of court challenges. I think that the decision yesterday—both decisions—the Court decision, and you know, Madam President, I have criticized our State Supreme Court on a number of occasions as being a dysfunctional court while anyone can reach a decision and we'll have to go by that decision now. I think rational minds and reasonable people would have reached an entirely different decision based on the intent not only of this legislature, but on the intent of the good and positive results for this community and this state.

"That decision yesterday didn't just affect one business. It didn't affect just one industry. It affected the entire State of Hawai'i. It affected many things: here we were just a few months ago during the Presidential campaigns talking about change, and yet as we find, we don't have change in Hawai'i. We resist change in Hawai'i. Before the Superferry idea came about, we had monopoly surface carriers and we had high rates. And we had very little choice or diversity for different individuals, residents and small businesses. When we talked about the Superferry and we debated it, it wasn't a question of whether, or if, or they might do something, like when we discuss special purpose revenue bonds. They put their money where their mouth was. They built the vessel. They came here. They started sailing. And through all kinds of challenges, they continued to sail and provide services for the community: the major beneficiaries, residents throughout the State of Hawai'i; secondarily, businesses, primarily small businesses. And particularly those on the neighbor islands who had an opportunity of not only expanding their businesses, but also of having a cheaper, more efficient, more productive way of getting their products or services to other islands.

"Now with this shut down and not knowing what's going to happen in the future, we're faced again with the obstacle of overcoming the image and the perception across the United States—as we approach our 50th anniversary of statehood—that Hawai'i, in fact, is not serious about doing business, does not just bring about challenges to business, but is the supporter of a hostile business environment. It's no surprise then, that when we look at ratings by different business organizations across the country we always rank in the bottom of that list, 48th or 49th or 50th out of the 50 states for having a business climate that is encouraging, that is open, that provides for alternatives and provides for change.

"Now we had a lot of discussion and debate and even dissent in this body, but the final result was 20 to 5 and we passed that legislation. I believe over in the House it was 39 out

of 51. In any event, the Hawai'i Superferry in the nearly one year that it has been servicing the people of this state, has shown itself to be a good corporate neighbor, a good corporate leader. It has donated its services, its time, its efforts to many groups, many individuals, particularly youth groups. It has been involved in a number of activities that have allowed people for the first time to access their neighbor islands with their families, their belongings and their motor vehicle.

“What happens now if we don't have this continuing service? What is it that we have to offer people in terms of choices, in terms of reduction of cost, in terms of encouraging other people to come here to invest? I just talked to my colleague a few minutes ago and asked him if you were on the board of directors of the Superferry, or you were an investor, or you were in management, or you were an employee, what would be your decision at this time? What's the lure to stay in Hawai'i after Superferry has bent over backwards, bent over again, bent over again, bent over again, and still we have individuals and organizations in this state that are not concerned about the environment, they're not concerned about the whales, they're not concerned about the coral reefs, they're not even concerned about invasive species. They're concerned about power and their special interests. And I think it's a travesty of what we've allowed to happen.

“Madam President, I don't know if there's anything else that this Senate or this legislative body can do, but I do know that we had opportunities in the past to stand up again, not for an individual business and not for an individual industry, but for the idea that Hawai'i stands for change, that Hawai'i welcomes competition, that Hawai'i wants to make sure that those people that risk their time, their resources, are able to be compensated for that. And as we face continuing economic challenges, I think we're going to have more concerns for our small businesses and particularly those in agriculture who are here with us today because it affects them directly. And I say, Madam President, yesterday was a sad day. None of us know what the future is going to hold for this operation, but we do know that anybody looking at Hawai'i as a place to do business, as a place to invest, as a place to do something new, as a place to go up against the old boy network and the bureaucracy and the newly crowned special interest, are going to think twice or three times about doing it. And that, Madam President, is going to be a loss for all of us. Thank you.”

At this time, the Chair made the following announcements:

“Referrals and re-referrals are made in accordance with the Supplemental Order of the Day that will be distributed to your offices later this afternoon.

“Tomorrow's Senate Session will convene at 11:00 a.m. followed by the Statehood celebration joint session in the House Chamber at 12:00 noon.

“Tomorrow's deadline to file resolutions with the Clerk's office will be 6:00 p.m.”

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolution that were offered on Thursday, March 12, 2009, Friday, March 13, 2009 and Monday, March 16, 2009:

S.C.R. No.	Referred to:
S.C.R. No. 58	Jointly to the Committee on Higher Education and the Committee on Water, Land, Agriculture and Hawaiian Affairs, then to the Committee on Ways and Means
S.C.R. No. 59	Committee on Education and Housing

S.C.R. No. 60	Jointly to the Committee on Economic Development and Technology and the Committee on Transportation, International and Intergovernmental Affairs
S.C.R. No. 61	Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means
S.C.R. No. 62	Committee on Transportation, International and Intergovernmental Affairs
S.C.R. No. 63	Committee on Health
S.C.R. No. 64	Committee on Labor
S.C.R. No. 65	Jointly to the Committee on Labor and the Committee on Transportation, International and Intergovernmental Affairs
S.C.R. No. 66	Committee on Water, Land, Agriculture and Hawaiian Affairs
S.C.R. No. 67	Committee on Labor
S.C.R. No. 68	Committee on Labor, then to the Committee on Ways and Means
S.C.R. No. 69	Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means
S.C.R. No. 70	Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means
S.C.R. No. 71	Jointly to the Committee on Transportation, International and Intergovernmental Affairs and the Committee on Water, Land, Agriculture and Hawaiian Affairs
S.C.R. No. 72	Jointly to the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Public Safety and Military Affairs
S.C.R. No. 73	Jointly to the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Higher Education

REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Thursday, March 12, 2009; Friday, March 13, 2009 and Monday, March 16, 2009:

S.R. No.	Referred to:
S.R. No. 34	Committee on Education and Housing
S.R. No. 35	Jointly to the Committee on Economic Development and Technology and the Committee on Transportation, International and Intergovernmental Affairs
S.R. No. 36	Committee on Transportation, International and Intergovernmental Affairs
S.R. No. 37	Committee on Health
S.R. No. 38	Committee on Labor

- S.R. No. 39 Jointly to the Committee on Labor and the Committee on Transportation, International and Intergovernmental Affairs
- S.R. No. 40 Committee on Water, Land, Agriculture and Hawaiian Affairs
- S.R. No. 41 Committee on Labor
- S.R. No. 42 Jointly to the Committee on Transportation, International and Intergovernmental Affairs and the Committee on Water, Land, Agriculture and Hawaiian Affairs
- S.R. No. 43 Jointly to the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Public Safety and Military Affairs
- S.R. No. 44 Jointly to the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Higher Education

**REFERRAL OF
HOUSE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of House concurrent resolutions that were received on Friday, March 13, 2009:

- H.C.R. No. Referred to:
- H.C.R. No. 19, H.D. 1 Committee on Public Safety and Military Affairs
- H.C.R. No. 24 Committee on Public Safety and Military Affairs

RE-REFERRAL OF HOUSE BILLS

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

- H.B. No. Re-referred to:
- H.B. No. 1744, H.D. 1 Committee on Ways and Means

ADJOURNMENT

At 12:25 p.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 11:00 a.m., Wednesday, March 18, 2009.