

SIXTIETH DAY

Wednesday, May 6, 2009

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2009, convened at 11:31 a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Will Espero, 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 Fifty-Ninth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 655 to 658) were read by the Clerk and were placed on file:

Gov. Msg. No. 655, dated April 30, 2009, transmitting a Report on the Feasibility of Integrating Rehabilitation Programs for Students with Anger Problems, prepared by the Department of Health, Child and Adolescent Mental Health Division, pursuant to H.C.R. No. 126 (2008).

Gov. Msg. No. 656, informing the Senate that on May 5, 2009, the Governor signed into law Senate Bill No. 1327, S.D. 1, H.D. 1 as Act 40, entitled: "RELATING TO THE RATE OF INTEREST APPLICABLE TO OVERPAYMENTS OF TAX."

Gov. Msg. No. 657, informing the Senate that on May 5, 2009, the Governor signed into law Senate Bill No. 501, H.D. 1 as Act 41, entitled: "RELATING TO THE TEACHER EDUCATION COORDINATING COMMITTEE."

Gov. Msg. No. 658, informing the Senate that on May 5, 2009, the Governor allowed the following measure to become law without signature, which reads as follows:

Senate Bill No. 1260 as Act 42, entitled: "RELATING TO AIR POLLUTION FEES."

"Dear Madam President and Members of the Senate:

Re: Senate Bill No. 1260 SD1 HD1

On May 5, 2009, Senate Bill No. 1260, entitled 'A Bill for an Act Relating to Air Pollution Fees' became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to eliminate the cap on air pollution fees for covered air pollution sources permitted under the federal Clean Water Act. The federal government allowed states to set caps in recognition of the impact high fees would have on the users of electricity. Currently, Section 342B-29, Hawaii Revised Statutes, allows the Department of Health to assess fees for the first 4,000 tons of air pollutants from a covered air pollution source. This legislation would remove the cap which will result in an increase in fees for certain entities, most notably larger power plants.

At most times and in most places in Hawaii, we enjoy some of the best air quality in the nation. This is reaffirmed through the fact that the State meets the federal Environmental Protection Agency's air pollution attainment standards. The Department of Health works diligently to regulate and monitor air pollution sources and has the authority to assess fees to support programs to improve our air quality statewide.

While enactment of this bill may provide an incentive for certain large power plants to reduce their emissions, we must be mindful of the fact that any increase in fees will almost certainly be passed on to the consumer through higher electric

utility rates. This bill attempts to address renewable energy goals through punitive measures that adversely impact our residents rather than through the positive, proactive approaches my Administration has implemented through our Hawaii Clean Energy Initiative. In these difficult economic times, we cannot continue to operate government programs and services by burdening consumers with higher taxes and fees.

For the foregoing reasons, I allowed Senate Bill No. 1260 to become law as Act 42, effective May 5, 2009, without my signature.

Sincerely,

/s/ Linda Lingle
LINDA LINGLE"

DEPARTMENTAL COMMUNICATION

The following communication (Dept. Com. No. 72) was read by the Clerk and was placed on file:

Dept. Com. No. 72, from the University of Hawaii, dated May 5, 2009, transmitting a Report on Security Breach at the University of Hawaii, Kapiolani Community College, pursuant to Section 487N-4, HRS.

HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 727) was read by the Clerk and was placed on file:

Hse. Com. No. 727, informing the Senate that the following bills passed Final Reading in the House of Representatives on May 5, 2009:

H.B. No. 28, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 31, S.D. 1, C.D. 1;
H.B. No. 35, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 111, S.D. 2, C.D. 1;
H.B. No. 183, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 262, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 271, S.D. 2, C.D. 1;
H.B. No. 358, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 366, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 371, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 541, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 586, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 589, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 590, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 610, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 615, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 618, S.D. 2, C.D. 1;
H.B. No. 632, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 640, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 643, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 813, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 814, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 952, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 975, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 981, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 983, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 986, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1040, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 1045, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 1057, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 1070, S.D. 1, C.D. 1;
H.B. No. 1071, H.D. 3, S.D. 2, C.D. 1;
H.B. No. 1103, S.D. 1, C.D. 1;
H.B. No. 1141, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1152, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1166, H.D. 1, S.D. 2, C.D. 1;

H.B. No. 1174, H.D. 3, S.D. 2, C.D. 1;
 H.B. No. 1316, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 1351, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 1378, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1379, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1405, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1415, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1422, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1470, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1479, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 1495, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1512, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1525, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1536, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 1544, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1550, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 1552, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1611, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1676, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1692, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1696, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 1713, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1776, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1809, H.D. 2, S.D. 1, C.D. 1;
 S.B. No. 1, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 19, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 34, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 35, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 50, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 55, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 91, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 113, H.D. 1, C.D. 1;
 S.B. No. 166, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 199, S.D. 1, H.D. 1, C.D. 2;
 S.B. No. 203, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 281, H.D. 1, C.D. 1;
 S.B. No. 292, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 300, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 389, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 415, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 427, H.D. 1, C.D. 1;
 S.B. No. 440, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 470, H.D. 1, C.D. 1;
 S.B. No. 496, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 536, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 539, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 564, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 585, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 605, S.D. 1, H.D. 3, C.D. 1;
 S.B. No. 659, H.D. 1, C.D. 1;
 S.B. No. 695, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 711, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 714, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 764, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 851, S.D. 1, H.D. 3, C.D. 1;
 S.B. No. 868, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 912, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 914, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 917, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 931, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 932, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 971, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 972, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1005, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1058, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1065, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1066, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1069, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1073, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1142, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1160, S.D. 2, H.D. 2, C.D. 1;

S.B. No. 1164, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1183, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1195, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1223, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1224, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1248, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1250, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1259, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1263, S.D. 2, H.D. 3, C.D. 1;
 S.B. No. 1268, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1329, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1338, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1345, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1350, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1664, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1677, S.D. 1, H.D. 2, C.D. 1; and
 S.B. No. 1678, S.D. 3, H.D. 1, C.D. 1.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1549 (Gov. Msg. Nos. 268, 280, and 422):

Senator Fukunaga moved that Stand. Com. Rep. No. 1549 be received and placed on file, seconded by Senator Baker and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nominations to the Small Business Regulatory Review Board of the following:

SHARON O.L. PANG, term to expire June 30, 2013 (Gov. Msg. No. 268);

PETER YUKIMURA, term to expire June 30, 2013 (Gov. Msg. No. 280); and

CHARLES K. H. AU, term to expire June 30, 2013 (Gov. Msg. No. 422),

seconded by Senator Baker.

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

Ayes, 22. Noes, none. Excused, 3 (Ige, Ihara, Tsutsui).

Stand. Com. Rep. No. 1550 (Gov. Msg. Nos. 551 and 575):

Senator Fukunaga moved that Stand. Com. Rep. No. 1550 be received and placed on file, seconded by Senator Baker and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nominations to the Board of Directors of the Hawai'i Strategic Development Corporation of the following:

DANTON S. WONG, term to expire June 30, 2013 (Gov. Msg. No. 551); and

H. BRIAN MOORE, term to expire June 30, 2013 (Gov. Msg. No. 575),

seconded by Senator Baker.

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

Ayes, 22. Noes, none. Excused, 3 (Ige, Ihara, Tsutsui).

Stand. Com. Rep. No. 1551 (Gov. Msg. Nos. 589, 590, 591, and 592):

Senator Fukunaga moved that Stand. Com. Rep. No. 1551 be received and placed on file, seconded by Senator Baker and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nominations to the Community-Based Economic Development Advisory Council of the following:

HANS H. CHUN, term to expire June 30, 2013 (Gov. Msg. No. 589);

CAROL M. JUNG, term to expire June 30, 2013 (Gov. Msg. No. 590);

MICHAEL J. MURAKOSHI, term to expire June 30, 2010 (Gov. Msg. No. 591); and

JENNIFER L. ZELKO, term to expire June 30, 2010 (Gov. Msg. No. 592),

seconded by Senator Baker.

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

Ayes, 22. Noes, none. Excused, 3 (Ige, Ihara, Tsutsui).

Stand. Com. Rep. No. 1552 (Gov. Msg. No. 475):

Senator Espero moved that Stand. Com. Rep. No. 1552 be received and placed on file, seconded by Senator Bunda and carried.

Senator Espero then moved that the Senate advise and consent to the nomination of ALBERT TUFONO to the Hawai'i Paroling Authority, term to expire June 30, 2012, seconded by Senator Bunda.

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

Ayes, 22. Noes, none. Excused, 3 (Ige, Ihara, Tsutsui).

Stand. Com. Rep. No. 1553 (Gov. Msg. Nos. 476 and 530):

Senator Espero moved that Stand. Com. Rep. No. 1553 be received and placed on file, seconded by Senator Bunda and carried.

Senator Espero then moved that the Senate advise and consent to the nominations to the Advisory Board on Veterans' Services of the following:

PATRICIA ANN WIELAND, term to expire June 30, 2013 (Gov. Msg. No. 476); and

NORMAN S. STAHL, term to expire June 30, 2013 (Gov. Msg. No. 530),

seconded by Senator Bunda.

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

Ayes, 22. Noes, none. Excused, 3 (Ige, Ihara, Tsutsui).

Stand. Com. Rep. No. 1554 (Gov. Msg. No. 559):

Senator Espero moved that Stand. Com. Rep. No. 1554 be received and placed on file, seconded by Senator Bunda and carried.

Senator Espero then moved that the Senate advise and consent to the nomination of L. DEW KANESHIRO to the Crime Victim Compensation Commission, term to expire June 30, 2013, seconded by Senator Bunda.

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

Ayes, 22. Noes, none. Excused, 3 (Ige, Ihara, Tsutsui).

Stand. Com. Rep. No. 1555 (Gov. Msg. Nos. 285, 286, and 289):

Senator Fukunaga moved that Stand. Com. Rep. No. 1555 be received and placed on file, seconded by Senator Baker and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nominations to the Stadium Authority of the following:

KATHLEEN O. AHINA, term to expire June 30, 2013 (Gov. Msg. No. 285);

KEVIN H. M. CHONG KEE, term to expire June 30, 2012 (Gov. Msg. No. 286); and

ALEXANDER C. KANE JR., term to expire June 30, 2012 (Gov. Msg. No. 289),

seconded by Senator Baker.

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

Ayes, 22. Noes, none. Excused, 3 (Ige, Ihara, Tsutsui).

Stand. Com. Rep. No. 1556 (Gov. Msg. Nos. 290, 291, and 522):

Senator Fukunaga moved that Stand. Com. Rep. No. 1556 be received and placed on file, seconded by Senator Baker and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nominations to the Stadium Authority of the following:

MARCIA J. KLOMPUS, term to expire June 30, 2013 (Gov. Msg. No. 290);

NELSON G. OYADOMARI, term to expire June 30, 2013 (Gov. Msg. No. 291); and

LAWRENCE K. W. TSEU, term to expire June 30, 2012 (Gov. Msg. No. 522),

seconded by Senator Baker.

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

Ayes, 22. Noes, none. Excused, 3 (Ige, Ihara, Tsutsui).

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM TUESDAY, MAY 5, 2009

Stand. Com. Rep. No. 1557 (H.C.R. No. 100, H.D. 1):

Senator Sakamoto moved that Stand. Com. Rep. No. 1557 and H.C.R. No. 100, H.D. 1 be adopted, seconded by Senator Slom.

Senator Hemmings rose in opposition to the measure and stated:

"This resolution may have a humiliating effect for Hawai'i on the national and possibly the world stage, and it may be doing the bidding of a House member with an agenda.

"In looking at the resolution, I agree with some of the premises of H.C.R. No. 100. The majority of the members of the Islam faith are productive, caring, responsible people; and it is estimated that radical Islamists comprise only about 10 percent of that religion. But the 10 percent does not belie the truth because 10 percent of that religion equates to over 100 million advocates who have supported terror and the war on the civilized world. These radical Islamists would like nothing better than to destroy the United States and Israel, as they have stated. They treat many people, mainly their women, most

inhumanely. We should all abhor these terrorists who willfully destroy innocent people in the name of their religion.

“What is the motivation behind this resolution? Is it the act of contrition of some legislators in the House? We should not feel any sense of guilt for hating what those radicals have done, and we should certainly hold them accountable. Remember the bombings of the USS Cole, the United States embassies abroad, the World Trade Center, the subway in England, the train in Spain, the nightclub of young people in Bali, the slaughter of Jews in Israel, and 9/11? All committed in the name of Allah. These terrorists have publicly cut off the head of a newsman, stoned to death women for adultery, poured acid on young girls for going to school, and flogged a 74-year old woman, a widow, for having coffee with two young men. Islamic terrorists have put bombs on mentally-disabled people and even their own children to blow up innocent people. These terrorists do not represent the vast majority of Muslims, but they do represent a huge problem. They’re responsible for unspeakable acts of terror.

“What is this resolution saying? Or is it just the work of someone’s personal agenda in the House? We should not feel the need to have a special day to recognize the second largest religion in the world when we never proclaimed a special day recognizing the largest religion in the world, Christianity. Will we be required to proclaim other days in recognition of Buddhism, Judaism, Hinduism, Shinto Day, Baha’i Day?

“This resolution steps over the line of separating church and state. Legislators should refrain from proclaiming special days to recognize any particular reason in the explicit way this one does. I recall radical Islamists around the world cheering the absolute horrors of 9/11. This is the day all civilized people of all religions should remember.

“I would ask in order to avoid voting on this that it be recommitted for reconsideration, or to absolve us from this whole process by just recommitting it and having it disappear in the ash bin of this legislative process. I will be voting ‘no,’ and I would urge my colleagues to give serious consideration to the implications of this resolution by voting it into law, and I would like to call a Roll Call vote.”

At 11:41 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:59 a.m.

At this time the Chair made the following announcement:

“If there are no objections from the members, we will be taking a Roll Call vote on H.C.R. No. 100, H.D. 1 separately from the other resolutions. Members, the motion to be voted on next will be for all resolutions other than H.C.R. No. 100, H.D. 1, which we will vote on by Roll Call immediately following the vote on these resolutions.”

At 12:00 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:00 p.m.

Senator Hooser rose in support of the measure and stated:

“You know, there was extensive discussion by the Minority leader earlier in opposition to this resolution; the members clearly have looked at it closely and talked about it. I’ve re-read it myself and given it much thought. Like many here, I was born a Christian, but I believe we live in a tolerant society that recognizes the good in all faiths, whether it’s Buddhist, Muslim, Christian, Jewish, or any number of other faiths. You know, I also agree and support the separation of church and state. However, I think I would be remiss to not point out that this doctrine is not followed by our state government to the

letter. We do have prayers in this body before session starts. We have a variety of faiths who offer those prayers. We recognize not just Christmas, but Good Friday, a very sacred Christian holy day, as a state holiday. And I for one believe that we should honor Islamic faith as we do other faiths, and if you read the resolution—which I will not go into detail to read, but I’d be happy to do so if we would like extensive debate on this issue—it merely does that. It merely honors the faith and nothing more. So I urge my colleagues to vote in support. Thank you.”

Senator Slom rose in opposition to the measure and stated:

“I wasn’t going to say anything, but after the words of our good colleague just a moment ago, I think it’s incumbent upon me to rise and say I think we all seek tolerance. I don’t think there’s ever been any country in the history of the world that’s been more tolerant than the United States of America. And because of that tolerance, we’ve looked the other way a lot of times and many thousands of our citizens have been killed by terrorists. I think also that some of us still have the memory a number of years ago when a seemingly innocuous resolution was passed in both the House and the Senate with just a few of us voting ‘no’ on that, and that was later referred to as the ‘Aloha Saddam’ resolution which basically gave credence to Saddam Hussein and to the dictatorship and to the things that he did, in the name of ‘aloha spirit.’ You know, we’ve got to be, I think, very discriminating in terms of what we say and what we do.

“I’d also like to say that this resolution came before the committee that I serve on, EDT, and we were told that day that because of internal deadlines, we could not change that resolution in any way. It had to pass exactly the way it was. So, inquiring minds would say, ‘What’s the rush? Why the hurry? Why special treatment for a special group of people?’ Tolerance, yes. Ignorance, no. Thank you.”

Senator Hee rose on a point of inquiry and said:

“Madam President, will you ask the previous speaker if he will respond to a point of inquiry?”

The Chair then asked Senator Slom if he would respond to the point of inquiry. Senator Slom agreed to the point of inquiry, and Senator Hee was instructed to proceed.

Senator Hee continued:

“Would you ask the previous speaker which specific passages in the resolution he spoke about that he would like to be changed, as a member of the committee. Ask him to please be specific.”

Senator Slom responded:

“Well yes, I’ll respond to it. As I said, we were told from the moment that we started taking up that particular resolution that we would be unable to make any changes. So therefore, people that came to testify and those of us on the Committee did not get involved on the specifics of change since we were told it had to go through that Committee and had to go through that day. Hope that answers your question, Senator Hee.”

Senator Hee responded:

“Madam President, would the previous speaker like me to restate my question?”

The Chair then said:

“Are you saying, Senator Hee, that he did not respond to your question?”

Senator Hee responded:

"I asked the previous speaker, because he wanted to amend it, which specific passages in the resolution—since I am not a member of that committee—does he specifically wish to have amended so that we can hold this over until next year? Thank you."

Senator Slom responded:

"Yes, thank you, Madam President. I would be very happy, if it's the will of the Senate, to hold this resolution over; we have a full and open hearing, and then we discuss specifics of changes that might be made."

The Chair then stated:

"Senator Hee and Senator Slom, I believe that we can all surmise that Senator Slom does not have specific passages in his mind at this particular point in time. Would that be a correct statement, Senator Slom?"

Senator Slom replied:

"Well only partially, Madam President. I would say that what is specific is the fact that this is specific legislation, a specific resolution, narrowly defined and narrowly interpreted. Thank you."

Senator Green rose in support of the measure with reservations and stated:

"I just think we're going down a slippery slope. I think that there are good people here that are good testifiers across the state on all issues, and I just would rather see us not insinuate religion into our decision making. I think we can use compassion, good judgment, any number of things, but separation of church and state is very important to me personally. I am concerned, based on today's audience, people who I care very deeply about are approaching some issues from a religious standpoint rather than a standpoint of decision making in government. And I think separation of church and state better darned well be preserved or we're not going to be the country we want to be. Thank you, Madam President."

Senator Hemmings rose in rebuttal and said:

"Thank you Madam President. I rise in rebuttal to some of the statements made and in an attempt to answer a question that was asked."

The Chair responded:

"I don't recall a question asked of you, Senator Hemmings, but you may state your point of rebuttal."

Senator Hemmings continued:

"Well then I will address that question in a pejorative statement without specifically answering it."

"Separation of church and state is a doctrine that we all hold dear, especially those of us who are practicing Catholics, or Christians, or practicing Buddhists, or practicing Muslims, or anything. We do not want to have what they have in the mideast in Muslim states, and that is theocracies, where puppets like Ahmadinejad proclaim, in the name of the mullahs, his wish to eradicate the nation of Israel, referring to it as a 'rotting carcass.' Specifically, this resolution praises the Islamic religion by setting it aside as a specific religious holiday. Clearly, Thomas Jefferson, in writing to the Baptists in Danbury, articulated the position of separation of church and state. It is not in the Constitution, but nevertheless, it is a valid point that we should consider. This resolution also may violate, for the purposes of the good Senator from the Kahaaluu area, our own rules. Rule 61, I believe, is a little ambiguous, but certainly it should be considered. And I do appreciate the wise words of the good Senator from Kona on the Big Island that we

should not be going down this religious road on the floor of the Senate or the House.

"The good Senator from Kaua'i—and I understand his passion on these things, completely understand it—should recognize that, exactly as he said, that most religions are indeed peaceful. But, in the case of Islam, there are a great number of Islamists—they estimate 10 percent, and 10 percent of a billion plus people is 100 million supporters—who quite frankly don't qualify. Specifically, what is said in this resolution contradicts the will and the deeds of 100 million people who wish to eradicate the civilized world unless we adhere to Shari'a, as they see it. And the atrocities they have committed in the name of their religion speak louder than my words.

"I would urge you; this is really not an issue we should be dealing with. It may contradict the doctrine of separation of church and state; and yes, there are holidays that are deemed religious. However these holidays were not enacted under the guise of declaring them a religious holiday of a specific religion as this resolution does. If we want to celebrate Islam, we can celebrate within our communities as we so desire. And we know on the evolution of common law in these areas, we're starting to celebrate Hanukkah more on a regular basis, and we're celebrating other days of other religions on a regular basis; and that's the beauty of freedom. But this resolution contradicts that freedom. And it also contradicts the lives and the goodwill of people that are fighting a terrible, terrible war, not against a nation-state but against a religious state that would just as soon eradicate us if they had their way. So I would urge, once again, that in the wisdom of the Senate that we take this House resolution and recommit it or vote it down. Thank you, Madam President."

Senator Espero rose in support of the measure and stated:

"I believe that we should pass this resolution, Madam President, in the spirit of *aloha*, diversity, tolerance. If you read the resolution, we are highlighting the positives. Many religions, many peoples, many countries have evil, bad people with bad intentions. Even in the name of Christianity, over the decades, over the centuries, there have been atrocities done in the name of Christianity. Yet, the majority of the people in this state are Christians, in this nation are Christians; I believe also in the world.

"But we're not here to look at a religion and a people and to emphasize all the negative and bad things that have been done in their name. That's not what this resolution is about. It is about tolerance. It's about compassion. If you look at our own host culture and the native Hawaiians, they talk about a god—and they still do today—known as Pele. I'm sure many people in this room have mentioned her name. I'm certain many people in the gallery have mentioned her name; and yet, this is a name, this is a god that contradicts Christianity. I'm not here to say it is right or wrong, but I'm saying we are a state of tolerance. We understand that people have different beliefs. We may not all agree on every single item and issue out there, but to highlight the negativity of the Islamic people is an insult to the majority of Muslims who are good, law-abiding citizens of the world. We have countries which the United States of America are allied with Islamic nations. We have people in prison, U.S. citizens, who are Christians.

"So let's not take this resolution and twist it. Let's not take what should be really a positive resolution of *aloha*, tolerance, diversification of people and cultures, and suddenly say, 'There's some bad people there and thus you don't deserve any recognition in this state legislature.' As was stated, we celebrate Good Friday. We celebrate Christmas. We celebrate Easter. We say prayers every morning. Our currency says, 'In God we trust.' And the god that I worship as a Catholic is a god who is compassionate, merciful, forgiving and loving, and I

don't feel if I pass this resolution, He will strike me down. Because there are differences, and we must remember that when we think about this measure. Thank you, Madam President."

The motion was put by the Chair and carried, the report of the Committee was adopted and H.C.R. No. 100, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION PROCLAIMING SEPTEMBER 24, 2009, AS ISLAM DAY," Roll Call vote having been requested, was adopted on the following showing of Ayes and Noes.

Ayes, 22. Ayes with Reservations, 1 (Bunda). Noes, 3 (Green, Hemmings, Slom).

Stand. Com. Rep. No. 1558 (H.C.R. No. 49, H.D. 1):

Senator Sakamoto moved that Stand. Com. Rep. No. 1558 and H.C.R. No. 49, H.D. 1 be adopted, seconded by Senator Slom.

The motion was put by the Chair and carried, the joint report of the Committees was adopted and H.C.R. No. 49, H.D. 1, entitled: "HOUSE 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. 1559 (H.C.R. No. 207, H.D. 1):

Senator Sakamoto moved that Stand. Com. Rep. No. 1559 and H.C.R. No. 207, H.D. 1 be adopted, seconded by Senator Slom.

The motion was put by the Chair and carried, the report of the Committee was adopted and H.C.R. No. 207, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A JOINT AGENCY STUDY ON THE IMPACT OF ILLEGAL IMMIGRATION IN HAWAII," was adopted.

Stand. Com. Rep. No. 1560 (H.C.R. No. 27, H.D. 1):

Senator Sakamoto moved that Stand. Com. Rep. No. 1560 and H.C.R. No. 27, H.D. 1 be adopted, seconded by Senator Slom.

The motion was put by the Chair and carried, the report of the Committee was adopted and H.C.R. No. 27, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF DISPARATE TREATMENT IN HAWAII'S CRIMINAL JUSTICE SYSTEM," was adopted.

Stand. Com. Rep. No. 1561 (H.C.R. No. 304):

Senator Sakamoto moved that Stand. Com. Rep. No. 1561 and H.C.R. No. 304 be adopted, seconded by Senator Slom.

The motion was put by the Chair and carried, the report of the Committee was adopted and H.C.R. No. 304, entitled: "HOUSE CONCURRENT RESOLUTION CONDEMNING THE HUMAN-RIGHTS ATROCITIES AND VIOLENCE AGAINST CHILDREN IN NORTHERN UGANDA AND THE DEMOCRATIC REPUBLIC OF THE CONGO, AND URGING CONGRESS TO LEAD THE INTERNATIONAL COMMUNITY IN EFFORTS TO PROTECT THE CHILDREN OF UGANDA AND THE DEMOCRATIC REPUBLIC OF THE CONGO," was adopted.

Stand. Com. Rep. No. 1562 (S.R. No. 61, S.D. 1):

Senator Sakamoto moved that Stand. Com. Rep. No. 1562 and S.R. No. 61, S.D. 1 be adopted, seconded by Senator Slom.

The motion was put by the Chair and carried, the report of the Committee was adopted and S.R. No. 61, S.D. 1, entitled: "SENATE RESOLUTION ENSURING THAT ANY

LEGISLATIVE EFFORT TO REPAIR THE HEALTHCARE SYSTEM IN HAWAII SHOULD INCORPORATE SUSTAINABLE WELLNESS PROGRAMS THAT ADDRESS THE UNDERLYING CAUSAL FACTORS ASSOCIATED WITH CHRONIC DISEASE," was adopted.

Stand. Com. Rep. No. 1563 (S.R. No. 97, S.D. 1):

Senator Sakamoto moved that Stand. Com. Rep. No. 1563 and S.R. No. 97, S.D. 1 be adopted, seconded by Senator Slom.

The motion was put by the Chair and carried, the report of the Committee was adopted and S.R. No. 97, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW AND ASSESS THE POLICIES AND PROCEDURES IMPLEMENTED BY HOSPITALS TO REDUCE ELECTIVE CESAREAN SECTIONS AND INDUCTION OF LABOR," was adopted.

Stand. Com. Rep. No. 1564 (S.R. No. 89, S.D. 1):

Senator Sakamoto moved that Stand. Com. Rep. No. 1564 and S.R. No. 89, S.D. 1 be adopted, seconded by Senator Slom.

The motion was put by the Chair and carried, the report of the Committee was adopted and S.R. No. 89, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THAT THE CENTERS FOR DISEASE CONTROL AND PREVENTION ESTABLISH A CHRONIC OBSTRUCTIVE PULMONARY DISEASE PROGRAM," was adopted.

Stand. Com. Rep. No. 1565 (S.R. No. 79):

Senator Sakamoto moved that Stand. Com. Rep. No. 1565 and S.R. No. 79 be adopted, seconded by Senator Slom.

The motion was put by the Chair and carried, the joint report of the Committees was adopted and S.R. No. 79, entitled: "SENATE RESOLUTION REQUESTING THE HAWAII HEALTH SYSTEMS CORPORATION EAST AND WEST REGIONAL BOARDS TO ESTABLISH THE BIG ISLAND LONG-TERM CARE COALITION TO DEVELOP A PLAN FOR LONG-TERM CARE SOLUTIONS ON THE BIG ISLAND OF HAWAII," was adopted.

DISCHARGE OF CONFEREES

S.C.R. No. 31, S.D. 2 (H.D. 1):

The President discharged the conferees who were appointed on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.C.R. No. 31, S.D. 2.

RECONSIDERATION OF ACTIONS TAKEN

S.C.R. No. 31, S.D. 2 (H.D. 1):

Senator Sakamoto moved that the Senate reconsider its action taken on April 29, 2009, in disagreeing to the amendments proposed by the House to S.C.R. No. 31, S.D. 2, seconded by Senator Kim and carried.

Senator Sakamoto moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 31, S.D. 2, seconded by Senator Kim.

"Madam President, we made amendments to a similar House concurrent resolution and both of them look to address the issues with the management, maintenance, and management contracts that are public housing, and I think both are good measures. The House has agreed to the other wording that we proposed, and we think it's meritorious to pass this one as well."

The motion was then put by the Chair and carried.

On motion by Senator Sakamoto, seconded by Senator Kim and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 31, S.D. 2, and S.C.R. No. 31, S.D. 2, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND FINANCIAL AUDIT OF THE HAWAII PUBLIC HOUSING AUTHORITY'S MAINTENANCE CONTRACTS," was placed on the calendar for Final Adoption on Thursday, May 7, 2009.

Senator Kim, Chair of the Committee on Ways and Means, requested that the referral of H.C.R. No. 199 to the Committee on Ways and Means be waived.

Senator Kim noted:

"The Committee on Public Safety and Military Affairs held a public hearing on this resolution on April 23, 2009. I am requesting a waiver for the referral so the resolution can be brought to the floor for a final vote."

The Chair then granted the waiver.

By unanimous consent, H.C.R. No. 199, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A PRIVATE PRISON PERFORMANCE AUDIT OF SAGUARO CORRECTIONAL CENTER," was placed on the calendar for adoption on Thursday, May 7, 2009.

ADJOURNMENT

At 12:21 p.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 10:00 a.m., Thursday, May 7, 2009.