

TWENTY-SEVENTH DAY

Tuesday, March 9, 2010

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2010, convened at 11:38 a.m. with the President in the Chair.

The Divine Blessing was invoked by Chaplain Joshua Hayashi, Punahou School, after which the Roll was called showing all Senators present.

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

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

Senators Galuteria, Hemmings, Hee, and Kidani recognized and honored the following outstanding native Hawaiian surfers for their achievements and contributions to the world of surfing and Hawaiian watersports: Buffalo Keaulana, Ben Aipa, Clyde Aikau, Mitchell Alapa, and Derek Ho, who also represented his brother Michael Ho who was unable to attend.

Senator English recognized and commended Sir William F. Roback Jr. (Knight Grand Cross Knight) on his election as Ali'i Nui and Grand Master Ali'i of the Royal Order of Kamehameha I. Also recognized were Kalaimoku/Chancellor Ali'i Sir Edward Akana (Knight Grand Cross Knight); Kahuna Pule 'O Kahekili Hau'oli Tamoso; Ku'auhau Nui Ali'i Sir George Kaho'ohanohano (Knight Commander); Ali'i 'Ai Moku 'O Hawai'i Ali'i Sir Arthur Aiu (Knight Grand Cross Knight); Ali'i 'Ai Moku, Moku 'O Kaumuali'i Ali'i Sir Ronald Iida (Knight Grand Cross Knight); Ali'i 'O Kana, Moku 'O Kuhio Ali'i Sir Gary Keawe-Aiko (Knight Commander Knight); Chief of Protocol, Lani Ali'i, Ali'i Sir William Souza (Knight Grand Cross Knight); Mamo Bill Kauakea Medeiros; and the High Chiefs, Chiefs, Na Mamo Hawai'i, and Na Wahine Hui 'O Kamehameha I.

Senator Hee introduced the following guests who were seated in the gallery: Stefanie Brendl, an accomplished equestrian rider and owner of Shark Encounters; Janna Nakagawa, Administrative Assistant for the Hawai'i Tourism Authority; and Keli'i Wilson, Hawaiian Cultural Coordinator for the Hawai'i Tourism Authority.

At 12:08 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:19 p.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 260 and 261) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 260, transmitting H.B. No. 2000, H.D. 2, which passed Third Reading in the House of Representatives on March 8, 2010, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 2000, H.D. 2, 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. 261, transmitting H.B. No. 2200, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 2010, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 2200, 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.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 162 to 171) were read by the Clerk and were deferred:

S.C.R. No. 162 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII ECONOMIC RESEARCH ORGANIZATION TO CONDUCT AN ECONOMIC ANALYSIS OF THE IMPACT OF THE STATE'S BUDGET CUTS ON CERTAIN PROGRAMS WITHIN THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES, AND REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO COMPILE AVAILABLE INFORMATION ON THE IMPACT OF THE STATE'S BUDGET CUTS ON CERTAIN PROGRAMS WITHIN THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES."

Offered by: Senators Chun Oakland, Ige.

S.C.R. No. 163 "SENATE CONCURRENT RESOLUTION REQUESTING THE NATIONAL DISASTER PREPAREDNESS TRAINING CENTER AT THE UNIVERSITY OF HAWAII AT MANOA TO PREPARE A REPORT ON THE CIVIL DEFENSE PREPAREDNESS RESPONSE TO THE FEBRUARY, 2010 TSUNAMI THREAT."

Offered by: Senator Kokubun, by request.

S.C.R. No. 164 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF MORNING TRAFFIC CONGESTION ON THE MEHEULA PARKWAY GOING ONTO THE H2 FREEWAY FROM MILILANI MAUKA."

Offered by: Senators Kidani, Bunda, Espero, Fukunaga, Gabbard, Galuteria, Hemmings, Ige, Ihara, Kim, Kokubun, Nishihara, Sakamoto, Slom, Takamine.

S.C.R. No. 165 "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS TO EXEMPT HAWAII, ALASKA, GUAM, AND PUERTO RICO FROM THE JONES ACT FOR THE HEALTH, SAFETY, AND SECURITY OF THEIR RESIDENTS."

Offered by: Senators Slom, Hemmings.

S.C.R. No. 166 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO AMEND ITS ADMINISTRATIVE RULES RELATING TO CAMPING AT STATE PARKS."

Offered by: Senator Bunda.

S.C.R. No. 167 "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE CENTER FOR NURSING TO EVALUATE THE NEED FOR AND RESOURCES REQUIRED TO ESTABLISH A CONTINUING EDUCATION PROGRAM FOR NURSES."

Offered by: Senators Ige, Baker, Espero, Green, Ihara, Nishihara.

S.C.R. No. 168 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO PROVIDE INFORMATION TO THE LEGISLATURE ON THE CONSTRUCTION AND USE OF CELL TOWERS."

Offered by: Senator Kokubun, by request.

S.C.R. No. 169 "SENATE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A JOINT POVERTY REDUCTION TASK FORCE."

Offered by: Senator Chun Oakland.

S.C.R. No. 170 "SENATE CONCURRENT RESOLUTION REQUESTING THE PROVISION OF MORTGAGE FORECLOSURE MEDIATION SERVICES TO HAWAII'S HOMEOWNERS AND LENDERS."

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

S.C.R. No. 171 "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT ON THE FEASIBILITY OF ESTABLISHING A FORECLOSURE TRUST FUND TO ASSIST HAWAII'S HOMEOWNERS."

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

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 72 to 74) were read by the Clerk and were deferred:

S.R. No. 72 "SENATE RESOLUTION REQUESTING A STUDY OF MORNING TRAFFIC CONGESTION ON THE MEHEULA PARKWAY GOING ONTO THE H2 FREEWAY FROM MILILANI MAUKA."

Offered by: Senators Kidani, Bunda, Espero, Fukunaga, Gabbard, Galuteria, Hemmings, Ige, Ihara, Kim, Kokubun, Nishihara, Sakamoto, Slom, Takamine, Taniguchi.

S.R. No. 73 "SENATE RESOLUTION REQUESTING CONGRESS TO EXEMPT HAWAII, ALASKA, GUAM, AND PUERTO RICO FROM THE JONES ACT FOR THE HEALTH, SAFETY, AND SECURITY OF THEIR RESIDENTS."

Offered by: Senators Slom, Hemmings.

S.R. No. 74 "SENATE RESOLUTION REQUESTING THE FORMATION OF A JOINT POVERTY REDUCTION TASK FORCE."

Offered by: Senator Chun Oakland.

STANDING COMMITTEE REPORTS

Senator English, for the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2679) recommending that the Senate advise and consent to the nominations to the Commission on Transportation of the following:

RALPH J.W.K. HIATT, in accordance with Gov. Msg. No. 269; and

RALPH J.W.K. HIATT, in accordance with Gov. Msg. No. 270.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2679 and Gov. Msg. Nos. 269 and 270 was deferred until Wednesday, March 10, 2010.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2680) recommending that S.C.R. No. 98, as amended in S.D. 1, 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.C.R. No. 98, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO STUDY THE FEASIBILITY OF IMPROVING EMERGENCY MEDICAL TRANSPORTATION ON THE ISLAND OF KAUAI," was referred to the Committee on Ways and Means.

Senators Gabbard and English, for the Committee on Energy and Environment and the Committee on Transportation, International and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2681) recommending that H.B. No. 2427, H.D. 1, 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 joint report of the Committees was adopted and H.B. No. 2427, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 11, 2010.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 2671 (Gov. Msg. No. 232):

Senator Hee moved that Stand. Com. Rep. No. 2671 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of JOHN S. K. HOAG ESQ. to the Island Burial Council, Island of Oahu, term to expire June 30, 2013, seconded by Senator Tokuda.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2672 (Gov. Msg. No. 265):

Senator Chun Oakland moved that Stand. Com. Rep. No. 2672 be received and placed on file, seconded by Senator Ihara and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nomination of JO ANN D. KOGA to the Statewide Council on Independent Living, term to expire June 30, 2013, seconded by Senator Ihara.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2673 (Gov. Msg. Nos. 271 and 272):

Senator Hee moved that Stand. Com. Rep. No. 2673 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Hee then moved that the Senate advise and consent to the nominations to the Board of Agriculture of the following:

RICHARD HA, term to expire June 30, 2010 (Gov. Msg. No. 271); and

RICHARD HA, term to expire June 30, 2014 (Gov. Msg. No. 272),

seconded by Senator Tokuda.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2674 (Gov. Msg. No. 288):

Senator Chun Oakland moved that Stand. Com. Rep. No. 2674 be received and placed on file, seconded by Senator Ihara and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nomination of MICHAEL BARRY SUMJA to the Policy Advisory Board for Elder Affairs (PABEA), term to expire June 30, 2014, seconded by Senator Ihara.

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

Ayes, 25. Noes, none.

ADOPTION OF RESOLUTIONS

Stand. Com. Rep. No. 2675 (S.C.R. No. 79, 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. 79, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PROVISION OF ORIENTATION AND ADDITIONAL TRAINING TO INCREASE THE ABILITY OF STATE AGENCY CASE WORKERS TO ADDRESS THE ISSUES FACED BY GRANDPARENTS RAISING GRANDCHILDREN," was adopted.

Stand. Com. Rep. No. 2676 (S.R. No. 34, 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. 34, S.D. 1, entitled: "SENATE RESOLUTION URGING THE PROVISION OF ORIENTATION AND ADDITIONAL TRAINING TO INCREASE THE ABILITY OF STATE AGENCY CASE WORKERS TO ADDRESS THE ISSUES FACED BY GRANDPARENTS RAISING GRANDCHILDREN," was adopted.

FINAL READING

S.B. No. 2602, H.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2602, and S.B. No. 2602, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSEES," passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At this time, the Chair made the following announcement:

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

ADJOURNMENT

At 12:22 p.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Wednesday, March 10, 2010.