

## FORTY-SECOND DAY

Thursday, April 1, 2010

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2010, convened at 11:39 a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Lee Sterling, First Baptist Church of Pearl City, after which the Roll was called showing all Senators present with the exception of Senator Tsutsui who was excused.

The President announced that she had read and approved the Journal of the Forty-First Day.

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

Senator Kidani introduced her cousin Denise Rowe and Ms. Rowe's daughter Lily, who were visiting from Greensboro, North Carolina.

Senator Kokubun introduced Mr. Grigory Fandeev, a legislator from Karelia, Russia who was participating in NCSL's prestigious Legislative Fellows program and would be in Hawai'i for the entire month of April learning about the legislative process and the workings of the Hawai'i state government.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 399 to 461) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 399, informing the Senate that on March 31, 2010, the Governor signed into law Senate Bill No. 2740 as Act 10, entitled: "RELATING TO SAINT DAMIEN DE VEUSTER DAY," was placed on file.

Gov. Msg. No. 400, informing the Senate that on March 31, 2010, the Governor withdrew the nomination of STUART K. HANCHETT to the Hawaiian Homes Commission, under Gov. Msg. No. 355, dated March 5, 2010.

In compliance with Gov. Msg. No. 400, the nomination listed under Gov. Msg. No. 355 was returned.

Gov. Msg. No. 401, submitting for consideration and confirmation to the State Board of Public Accountancy, the nomination of STEVEN R. OBERG CPA, term to expire June 30, 2010, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 402, submitting for consideration and confirmation to the State Board of Public Accountancy, the nomination of STEVEN R. OBERG CPA, term to expire June 30, 2014, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 403, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Hurricane Relief Fund, the nomination of KEANE K. MURANAKA, term to expire June 30, 2014, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 404, submitting for consideration and confirmation to the Hawaii Medical Board, the nomination of CARL K. YORITA, term to expire June 30, 2014, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 405, submitting for consideration and confirmation to the Board of Naturopathic Medicine, the nomination of DAVID R. KERN, term to expire June 30, 2014,

was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 406, submitting for consideration and confirmation to the Board of Pharmacy, the nomination of TODD K. INAFUKU, term to expire June 30, 2014, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 407, submitting for consideration and confirmation to the Real Estate Commission, the nomination of SCOTT A. SHERLEY, term to expire June 30, 2014, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 408, submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, the nomination of ALVIN NAAWAO PARKER, term to expire June 30, 2013, was referred to the Committee on Education and Housing.

Gov. Msg. No. 409, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nomination of KALEIAHIHI K. FERMANTEZ, term to expire June 30, 2010, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 410, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nomination of KALEIAHIHI K. FERMANTEZ, term to expire June 30, 2014, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 411, submitting for consideration and confirmation to the Small Business Regulatory Review Board, the nomination of RICHARD SCHNITZLER, term to expire June 30, 2014, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 412, submitting for consideration and confirmation to the Early Learning Council, the nomination of CHARLES E. LARSON, term to expire June 30, 2012, was referred to the Committee on Human Services.

Gov. Msg. No. 413, submitting for consideration and confirmation to the Early Learning Council, the nomination of CRYSTAL RAY K. NAONE, term to expire June 30, 2012, was referred to the Committee on Human Services.

Gov. Msg. No. 414, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of DONALD THOMSON, term to expire June 30, 2013, was referred to the Committee on Human Services.

Gov. Msg. No. 415, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of DALE M. ALLISON PHD, APRN, FAAN, term to expire June 30, 2014, was referred to the Committee on Higher Education.

Gov. Msg. No. 416, submitting for consideration and confirmation to the Board of Directors of the Research Corporation of the University of Hawai'i, the nomination of DONN MASAO TAKAKI, term to expire June 30, 2014, was referred to the Committee on Higher Education.

Gov. Msg. No. 417, submitting for consideration and confirmation to the Mental Health and Substance Abuse, Oahu Service Area Board, the nomination of ELLEN ALISSA HEID, term to expire June 30, 2014, was referred to the Committee on Health.

Gov. Msg. No. 418, submitting for consideration and confirmation to the Defender Council, the nomination of JEFFREY ALAN HAWK, term to expire June 30, 2014, was referred to the Committee on Judiciary and Government Operations.

Gov. Msg. No. 419, submitting for consideration and confirmation to the Defender Council, the nomination of SHIRLEY MIKI KAWAMURA, term to expire June 30, 2014, was referred to the Committee on Judiciary and Government Operations.

Gov. Msg. No. 420, submitting for consideration and confirmation to the Board of Registration of the Islands of Kaua'i and Ni'ihau, the nomination of DANIEL KAWAMURA, term to expire June 30, 2014, was referred to the Committee on Judiciary and Government Operations.

Gov. Msg. No. 421, submitting for consideration and confirmation to the Commission on the Status of Women, the nomination of ELENA M.H. CABATU, term to expire June 30, 2014, was referred to the Committee on Judiciary and Government Operations.

Gov. Msg. No. 422, submitting for consideration and confirmation to the Hawai'i Labor Relations Board, the nomination of NORMAN KENICHI KATO II, term to expire June 30, 2011, was referred to the Committee on Labor.

Gov. Msg. No. 423, submitting for consideration and confirmation to the Board of Taxation Review, 1st Taxation District (Oahu), the nomination of ALAN MUN LEONG YEE, term to expire June 30, 2014, was referred to the Committee on Ways and Means.

Gov. Msg. No. 424, submitting for consideration and confirmation to the Board of Taxation Review, 3rd Taxation District, the nomination of MICHAEL CHANG, term to expire June 30, 2014, was referred to the Committee on Ways and Means.

Gov. Msg. No. 425, submitting for consideration and confirmation to the Island Burial Council, Islands of Kaua'i and Ni'ihau, the nomination of CLISSON KUNANE AIPOALANI, term to expire June 30, 2014, was referred to the Committee on Water, Land, Agriculture, and Hawaiian Affairs.

Gov. Msg. No. 426, submitting for consideration and confirmation to the Island Burial Council, Island of Molokai, the nomination of KEKAMAIIKAMAIIKALANI HELM, term to expire June 30, 2014, was referred to the Committee on Water, Land, Agriculture, and Hawaiian Affairs.

Gov. Msg. No. 427, submitting for consideration and confirmation to the Board of Land and Natural Resources, the nomination of ROBERT J. PACHECO, term to expire June 30, 2014, was referred to the Committee on Water, Land, Agriculture, and Hawaiian Affairs.

Gov. Msg. No. 428, submitting for consideration and confirmation to the Molokai Irrigation System Water Users Advisory Board, the nomination of LARRY S. SAGARIO, term to expire June 30, 2011, was referred to the Committee on Water, Land, Agriculture, and Hawaiian Affairs.

Gov. Msg. No. 429, submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, the nomination of GAIL H. AWAKUNI, term to expire June 30, 2013, was referred to the Committee on Education and Housing.

Gov. Msg. No. 430, submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, the nomination of LEONARDO FLORES DELGADO, term to

expire June 30, 2012, was referred to the Committee on Education and Housing.

Gov. Msg. No. 431, submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, the nomination of JONATHAN D. KISSIDA, term to expire June 30, 2013, was referred to the Committee on Education and Housing.

Gov. Msg. No. 432, submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, the nomination of RUTH L. SILBERSTEIN, term to expire June 30, 2013, was referred to the Committee on Education and Housing.

Gov. Msg. No. 433, submitting for consideration and confirmation to the Hawai'i Historic Places Review Board, the nomination of JEFFREY N. DODGE, term to expire June 30, 2014, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 434, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nomination of DORADEEN M. KANUHA, term to expire June 30, 2011, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 435, submitting for consideration and confirmation to the State Foundation on Culture and the Arts Commission, the nomination of CLIFFORD P. KAPONO, term to expire June 30, 2014, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 436, submitting for consideration and confirmation to the Western Interstate Commission for Higher Education (WICHE), the nomination of STEVEN CHARLES WHEELWRIGHT, term to expire June 30, 2014, was referred to the Committee on Higher Education.

Gov. Msg. No. 437, submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, the nomination of RONALD G. HAY, term to expire June 30, 2012, was referred to the Committee on Health.

Gov. Msg. No. 438, submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, the nomination of LEE A. MANSFIELD, term to expire June 30, 2014, was referred to the Committee on Health.

Gov. Msg. No. 439, submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, the nomination of AUDREY K. UYEMA PAK, term to expire June 30, 2011, was referred to the Committee on Health.

Gov. Msg. No. 440, submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, the nomination of VIRGILIO A. VIERNES, term to expire June 30, 2013, was referred to the Committee on Health.

Gov. Msg. No. 441, submitting for consideration and confirmation to the Mental Health and Substance Abuse, Maui Service Area Board, the nomination of ELOISE JOEY ENOS, term to expire June 30, 2014, was referred to the Committee on Health.

Gov. Msg. No. 442, submitting for consideration and confirmation to the Mental Health and Substance Abuse, Maui Service Area Board, the nomination of PETER GONZALEZ, term to expire June 30, 2011, was referred to the Committee on Health.

Gov. Msg. No. 443, submitting for consideration and confirmation to the Commission on Fatherhood, the nomination of ELWOOD EDWARD MACHADO, term to expire June 30, 2012, was referred to the Committee on Human Services.

Gov. Msg. No. 444, submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs (PABEA), the nomination of F. ADELE RUGG, term to expire June 30, 2014, was referred to the Committee on Human Services.

Gov. Msg. No. 445, submitting for consideration and confirmation to the Statewide Council on Independent Living, the nomination of GORDON L. FULLER, term to expire June 30, 2012, was referred to the Committee on Human Services.

Gov. Msg. No. 446, submitting for consideration and confirmation to the Natural Area Reserve System Commission, the nomination of MARIE M. BRUEGMANN, term to expire June 30, 2014, was referred to the Committee on Water, Land, Agriculture, and Hawaiian Affairs.

Gov. Msg. No. 447, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of JUDITH CORYELL, term to expire June 30, 2013, was referred to the Committee on Human Services.

Gov. Msg. No. 448, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of REGINA GOO, term to expire June 30, 2013, was referred to the Committee on Human Services.

Gov. Msg. No. 449, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of GWEN L. KELIHOOMALU, term to expire June 30, 2013, was referred to the Committee on Human Services.

Gov. Msg. No. 450, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of PINA S. LEMUSU, term to expire June 30, 2013, was referred to the Committee on Human Services.

Gov. Msg. No. 451, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of HOWARD ALAN LESSER, term to expire June 30, 2013, was referred to the Committee on Human Services.

Gov. Msg. No. 452, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of ROBERT SCOTT WALL, term to expire June 30, 2013, was referred to the Committee on Human Services.

Gov. Msg. No. 453, submitting for consideration and confirmation to the Board of Trustees of the Employees' Retirement System (ERS), the nomination of JERRY RAUCKHORST, term to expire January 1, 2014, was referred to the Committee on Labor.

Gov. Msg. No. 454, submitting for consideration and confirmation to the Civil Defense Advisory Council, the nomination of EDWARD R. CRUICKSHANK, term to expire June 30, 2011, was referred to the Committee on Public Safety and Military Affairs.

Gov. Msg. No. 455, submitting for consideration and confirmation to the Board of Taxation Review, 2nd Taxation District (Maui), the nomination of MICHELE A. KATO, term to expire June 30, 2014, was referred to the Committee on Ways and Means.

Gov. Msg. No. 456, submitting for consideration and confirmation to the Board of Taxation Review, 2nd Taxation District (Maui), the nomination of FAYE M. MURAYAMA, term to expire June 30, 2012, was referred to the Committee on Ways and Means.

Gov. Msg. No. 457, submitting for consideration and confirmation to the Tax Review Commission, the nomination of MICHAEL T. MCENERNEY, term to expire June 30, 2012, was referred to the Committee on Ways and Means.

Gov. Msg. No. 458, submitting for consideration and confirmation to the Tax Review Commission, the nomination of GREGG M. TAKETA, term to expire June 30, 2012, was referred to the Committee on Ways and Means.

Gov. Msg. No. 459, submitting for consideration and confirmation to the Board of Agriculture, the nomination of MICHELLE M. GALIMBA, term to expire June 30, 2014, was referred to the Committee on Water, Land, Agriculture, and Hawaiian Affairs.

Gov. Msg. No. 460, submitting for consideration and confirmation to the Kaho'olawe Island Reserve Commission, the nomination of KA'IULANI MURPHY, term to expire June 30, 2012, was referred to the Committee on Water, Land, Agriculture, and Hawaiian Affairs.

Gov. Msg. No. 461, submitting for consideration and confirmation to the Molokai Irrigation System Water Users Advisory Board, the nomination of MOKE KIM, term to expire June 30, 2013, was referred to the Committee on Water, Land, Agriculture, and Hawaiian Affairs.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 298 to 315) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 298, returning S.B. No. 1105, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on March 31, 2010, was placed on file.

By unanimous consent, action on S.B. No. 1105, S.D. 2 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE HEARINGS AND PROCEDURES," was deferred until Tuesday, April 6, 2010.

Hse. Com. No. 299, returning S.B. No. 2045, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on March 31, 2010, was placed on file.

By unanimous consent, action on S.B. No. 2045, S.D. 1 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO CRIME," was deferred until Tuesday, April 6, 2010.

Hse. Com. No. 300, returning S.B. No. 2137, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on March 31, 2010, was placed on file.

By unanimous consent, action on S.B. No. 2137, S.D. 1 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO HEALTH CLUBS," was deferred until Tuesday, April 6, 2010.

Hse. Com. No. 301, returning S.B. No. 2163, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on March 31, 2010, was placed on file.

By unanimous consent, action on S.B. No. 2163, S.D. 2 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF NURSING," was deferred until Tuesday, April 6, 2010.

Hse. Com. No. 302, returning S.B. No. 2357, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on March 31, 2010, was placed on file.

By unanimous consent, action on S.B. No. 2357, S.D. 2 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," was deferred until Tuesday, April 6, 2010.

Hse. Com. No. 303, returning S.B. No. 2432, which passed Third Reading in the House of Representatives on March 31, 2010, was placed on file.

Hse. Com. No. 304, returning S.B. No. 2441, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on March 31, 2010, was placed on file.

By unanimous consent, action on S.B. No. 2441, S.D. 2 (H.D. 2), entitled: "A BILL FOR AN ACT RELATING TO ENDANGERED SPECIES," was deferred until Tuesday, April 6, 2010.

Hse. Com. No. 305, returning S.B. No. 2449, as amended in H.D. 1, which passed Third Reading in the House of Representatives on March 31, 2010, was placed on file.

By unanimous consent, action on S.B. No. 2449 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," was deferred until Tuesday, April 6, 2010.

Hse. Com. No. 306, returning S.B. No. 2488, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on March 31, 2010, was placed on file.

By unanimous consent, action on S.B. No. 2488, S.D. 2 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," was deferred until Tuesday, April 6, 2010.

Hse. Com. No. 307, returning S.B. No. 2676, S.D. 1, which passed Third Reading in the House of Representatives on March 31, 2010, was placed on file.

Hse. Com. No. 308, returning S.B. No. 2745, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on March 31, 2010, was placed on file.

By unanimous consent, action on S.B. No. 2745, S.D. 2 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," was deferred until Tuesday, April 6, 2010.

Hse. Com. No. 309, returning S.B. No. 2754, which passed Third Reading in the House of Representatives on March 31, 2010, was placed on file.

Hse. Com. No. 310, returning S.B. No. 2759, which passed Third Reading in the House of Representatives on March 31, 2010, was placed on file.

Hse. Com. No. 311, returning S.B. No. 2837, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on March 31, 2010, was placed on file.

By unanimous consent, action on S.B. No. 2837, S.D. 1 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO LICENSING," was deferred until Tuesday, April 6, 2010.

Hse. Com. No. 312, returning S.B. No. 2859, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on March 31, 2010, was placed on file.

By unanimous consent, action on S.B. No. 2859, S.D. 2 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT," was deferred until Tuesday, April 6, 2010.

Hse. Com. No. 313, returning S.B. No. 2898, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on March 31, 2010, was placed on file.

By unanimous consent, action on S.B. No. 2898, S.D. 1 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO DIVERSION PROGRAM FOR CHEMICALLY

DEPENDANT NURSES," was deferred until Tuesday, April 6, 2010.

Hse. Com. No. 314, returning S.B. No. 2921, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on March 31, 2010, was placed on file.

By unanimous consent, action on S.B. No. 2921, S.D. 1 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," was deferred until Tuesday, April 6, 2010.

Hse. Com. No. 315, transmitting H.C.R. No. 92, H.D. 1, which was adopted by the House of Representatives on March 31, 2010, was placed on file.

By unanimous consent, H.C.R. No. 92, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HONOLULU LIQUOR COMMISSION TO STUDY THE FEASIBILITY OF MANDATORY STATEWIDE TRAINING STANDARDS FOR SELLERS AND SERVERS OF ALCOHOLIC BEVERAGES," was deferred.

### STANDING COMMITTEE REPORTS

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2957) recommending that H.B. No. 2725, 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 report of the Committee was adopted and H.B. No. 2725, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 6, 2010.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2958) recommending that H.B. No. 2724, 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 report of the Committee was adopted and H.B. No. 2724, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ORDER," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 6, 2010.

Senators Hee and Hooser, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Transportation, International and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2959) recommending that H.B. No. 1554, 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. 1554, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 6, 2010.

Senator English, for the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2960) recommending that H.B. No. 2016, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2016, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Second Reading and was

placed on the calendar for Third Reading on Tuesday, April 6, 2010.

Senator Taniguchi, for the majority of the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2961) recommending that H.B. No. 2283, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and H.B. No. 2283, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 6, 2010.

Senator Taniguchi, for the majority of the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2962) recommending that H.B. No. 2676, 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 report of the majority of the Committee was adopted and H.B. No. 2676, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAHOLAWE ISLAND RESERVE COMMISSION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 6, 2010.

Senator Kim, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2963) recommending that H.B. No. 1907, 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 report of the majority of the Committee was adopted and H.B. No. 1907, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2964) recommending that H.B. No. 1985, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1985, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2965) recommending that H.B. No. 2594, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2594, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 6, 2010.

Senator Kim, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2966) recommending that H.B. No. 2866, 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 report of the majority of the Committee was adopted and H.B. No. 2866, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2967) recommending that H.B. No. 865, 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 report of the Committee was adopted and H.B. No. 865, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 6, 2010.

Senator Kim, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2968) recommending that H.B. No. 2690, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and H.B. No. 2690, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 6, 2010.

Senator Kim, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2969) recommending that H.B. No. 2542, 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 report of the majority of the Committee was adopted and H.B. No. 2542, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2970) recommending that H.B. No. 2200, 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 report of the Committee was adopted and H.B. No. 2200, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 6, 2010.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2971) recommending that H.B. No. 1439, 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 report of the Committee was adopted and H.B. No. 1439, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 6, 2010.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 2972) recommending that H.B. No. 2058, 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 report of the Committee was adopted and H.B. No. 2058, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROPERTY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 6, 2010.

Senators Gabbard, English, and Hee, for the Committee on Energy and Environment and the Committee on Transportation, International and Intergovernmental Affairs and the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2973) recommending that H.B. No. 2450, 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. 2450, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY FACILITIES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 6, 2010.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2974) recommending that H.B. No. 2129, 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 report of the Committee was adopted and H.B. No. 2129, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 6, 2010.

Senators Hee, Taniguchi, and Kim, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Judiciary and Government Operations and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 2975) recommending that H.B. No. 2561, 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. 2561, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2976) recommending that H.B. No. 1948, 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 report of the Committee was adopted and H.B. No. 1948, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2977) recommending that H.B. No. 2267, 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 report of the Committee was adopted and H.B. No. 2267, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CHARTER SCHOOLS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 6, 2010.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2978) recommending that H.B. No. 2003, H.D. 3, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2003, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 6, 2010.

Senators Gabbard and Hee, for the Committee on Energy and Environment and the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2979) recommending that S.C.R. No. 99 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2979 and S.C.R. No. 99, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A WORKING GROUP TO ANALYZE THE POTENTIAL DEVELOPMENT OF GEOTHERMAL ENERGY AS THE PRIMARY ENERGY SOURCE TO MEET THE BASELOAD DEMAND FOR ELECTRICITY ON THE BIG ISLAND," was deferred until Tuesday, April 6, 2010.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2980) recommending that S.C.R. No. 209, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2980 and S.C.R. No. 209, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE PHASE OUT OF PRODUCTION AND IMPORTATION OF DECA-BROMODIPHENYL ETHER (DECA-BDE) AND ALL OTHER POLYBROMINATED DIPHENYL ETHERS (PBDES) IN THE UNITED STATES," was deferred until Tuesday, April 6, 2010.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2981) recommending that S.R. No. 107, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2981 and S.R. No. 107, S.D. 1, entitled: "SENATE RESOLUTION SUPPORTING THE PHASE OUT OF PRODUCTION AND IMPORTATION OF DECA-BROMODIPHENYL ETHER (DECA-BDE) AND ALL OTHER POLYBROMINATED DIPHENYL ETHERS (PBDES) IN THE UNITED STATES," was deferred until Tuesday, April 6, 2010.

Senator Takamine, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2982) recommending that the Senate advise and consent to the nominations to the Hoisting Machine Operators Advisory Board of the following:

JAMES LEE WEANDER, in accordance with Gov. Msg. No. 221; and

JAMES LEE WEANDER, in accordance with Gov. Msg. No. 222.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2982 and Gov. Msg. Nos. 221 and 222 was deferred until Tuesday, April 6, 2010.

Senator Takamine, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2983) recommending that the Senate advise and consent to the nomination of GUY SEICHI MORIGUCHI to the Board of Certification of Public Water System Operators, in accordance with Gov. Msg. No. 223.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2983 and Gov. Msg. No. 223 was deferred until Tuesday, April 6, 2010.

#### ORDER OF THE DAY

#### AGREE/DISAGREE

#### MATTERS DEFERRED FROM WEDNESDAY, MARCH 31, 2010

At 11:46 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:47 a.m.

S.B. No. 2111, S.D. 2 (H.D. 1):

Senator Sakamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 2111, S.D. 2, seconded by Senator English.

Senator English noted:

“Madam President, the House perfected the date on this bill, thereby agreeing to the Senate position.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2111, S.D. 2, and S.B. No. 2111, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING,” was placed on the calendar for Final Reading on Tuesday, April 6, 2010.

S.B. No. 2697, S.D. 1 (H.D. 1):

By unanimous consent, action on S.B. No. 2697, S.D. 1 (H.D. 1), entitled “A BILL FOR AN ACT RELATING TO INSURANCE,” was deferred until Tuesday, April 6, 2010.

S.B. No. 2910 (H.D. 1):

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 2910, seconded by Senator Taniguchi.

Senator Baker noted:

“Madam President, the House made only one clarifying amendment to the Senate draft and it’s acceptable to both co-chairs.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2910, and S.B. No. 2910, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO REAL PROPERTY,” was placed on the calendar for Final Reading on Tuesday, April 6, 2010.

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 2943 (Gov. Msg. No. 196):

Senator Sakamoto moved that Stand. Com. Rep. No. 2943 be received and placed on file, seconded by Senator Kidani and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nomination of ALLAN LOS BANOS JR. to the Board of Directors of the Hawai‘i Housing Finance and Development Corporation (HFD), term to expire June 30, 2014, seconded by Senator Kidani.

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

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

Stand. Com. Rep. No. 2944 (Gov. Msg. No. 277):

Senator Sakamoto moved that Stand. Com. Rep. No. 2944 be received and placed on file, seconded by Senator Kidani and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nomination of VOLETTA NOE NOE TOM to the Hawaii Teacher Standards Board, term to expire June 30, 2013, seconded by Senator Kidani.

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

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

Stand. Com. Rep. No. 2945 (Gov. Msg. Nos. 255 and 278):

Senator Sakamoto moved that Stand. Com. Rep. No. 2945 be received and placed on file, seconded by Senator Kidani and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nominations to the Board of Directors of the Hawai‘i Public Housing Authority (HPHA) of the following:

MATTIE A. YOSHIOKA, term to expire June 30, 2014 (Gov. Msg. No. 255); and

ROGER K. GODFREY, term to expire June 30, 2013 (Gov. Msg. No. 278),

seconded by Senator Kidani.

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

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

Stand. Com. Rep. No. 2946 (Gov. Msg. No. 371):

Senator English moved that Stand. Com. Rep. No. 2946 be received and placed on file, seconded by Senator Gabbard and carried.

Senator English then moved that the Senate advise and consent to the nomination of JOHN B. RAY to the Commission on Transportation, term to expire June 30, 2014, seconded by Senator Gabbard.

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

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

#### ADOPTION OF RESOLUTIONS

#### MATTERS DEFERRED FROM WEDNESDAY, MARCH 31, 2010

Stand. Com. Rep. No. 2935 (S.C.R. No. 218, S.D. 1):

Senator Sakamoto moved that Stand. Com. Rep. No. 2935 and S.C.R. No. 218, S.D. 1 be adopted, seconded by Senator Slom.

Senator Hemmings requested that his vote be cast “no” and the Chair so ordered.

Senator Hemmings rose in opposition to the measure as follows:

“Thank you, Madam President and colleagues. It might not seem appropriate for me to be voting against a resolution expressing legislative support for the right to display the United States flag. I voted ‘no’ in committee and feel it’s only responsible for me to follow suit here on the floor of the Senate.

“It’s a very well-crafted resolution and speaks well about the rights of citizens to display their flags in the State of Hawai‘i, but unfortunately, it does not codify that right as was done in House Bill 2311, which passed out of the House and did not

receive a hearing here in the Senate. I would like to say that the federal law, as expressed in the Committee, does protect rights to a certain extent, but they are not all-inclusive and do not satisfy the needs of many citizens in this state who expressed support of House Bill 2311 that would have given them further rights to display their flags in the time and manner which they see fit within their neighborhoods and special districts.

"And I find it rather ironic that we passed a very strident bill that would allow people to fly their laundry in neighborhoods in a manner they see fit, but we would not do the same for the American flag. And though you may hear words to the contrary about this resolution expressing legislative support, we all know resolutions are just that: resolutions. They are not codification. And the total ability for individual citizens in neighborhoods to fly their flags is not protected by the federal law to the extent that this bill would have, and so for that reason, I have to vote 'no' against the resolution. Thank you, Madam President."

Senator Baker rose in support of the measure as follows:

"Madam President, the measure that your Committee on Commerce and Consumer Affairs passed out was, we felt, an appropriate response to some of the concerns that had been raised regarding honoring and flying the American flag. This concurrent resolution highlights the values and ideals that are symbolized by the American flag and underscores the right of all United States citizens to display the flag in an appropriate manner consistent with custom and federal law.

"After reading the testimony on the House side on H.B. 2311, the resolution was introduced—signed by, I think, 17 or so members—to address the underlying concerns that most of the testimony on the House bill acknowledged. Much of the House testimony demonstrated that many were unaware of the preeminent federal law. H.B. 2311, which the Committee did not hear, is not about displaying the flag. It's not about honoring our flag. It's not about veterans' rights. It's about a flag pole; and as such, it was merely one way to display the flag. Federal law, Public Law 109-243, adopted by the Congress and signed into law on July 24, 2006, already tells condominiums, cooperatives, and planned community associations that they may not adopt or enforce any policy or enter into any agreement that would restrict or prevent a member of the association from displaying the United States flag on his or her own premises. Indeed, the bill, we felt, was somewhat superfluous and unnecessary because the right of homeowners in planned community associations to display the flag is protected under federal law. The appropriate venue, if there are issues with a condominium or homeowners' association, would be to engage the community association, become a member of the board, and change the policy if they felt that the restrictions in terms of health, safety, visual or whatever were inappropriate, or go to the courts.

"It was important, we felt, to affirm our support for that law, the federal law, and our love of our flag, especially as the Committee considered this measure the day after we awarded the Hawai'i Medal of Honor to 28 brave servicemen and women who paid the ultimate sacrifice for their freedom.

"We believe that this concurrent resolution can help to educate community associations regarding the federal law and foster compliance. We included most of the language of the federal law in the resolution so it could be clear. The Congress of the United States and the President of the United States, on signing this law, acknowledged that there were certain restrictions that condominium associations, cooperatives, and planned community associations could place on just the process of getting the appropriate placement, making sure that if it was a flag pole that it met safety standards (it wasn't going to topple over), the size of the flag, the height of the flag pole. That's already been acknowledged; and to my understanding, most of

the condominium associations, planned community associations, and others acknowledge that as well.

"The issue that brought the House bill to the floor was this: A homeowner, who happened to be a veteran, had gone through the process, missed the deadline, and was fined \$100, and didn't want to pay that \$100. So we have this whole hoopla, and people not understanding what their rights are and not understanding the process, and we think this resolution helps to address that.

"Madam President, in addition to these remarks, I would ask that we include a copy of Public Law 109-243 so that it's contained in the record, so it's there for anyone to see if they're reading through our Journal. (The Chair having so ordered, the copy of Public Law 109-243 is identified as "**ATTACHMENT A**" to the Journal of this day.)

"The issue of the clothesline was raised. Well, with all due respect, there was no compelling federal interest, there was no prevailing federal law that addressed that; and it addressed a public interest, and that was to help people have an alternative to using electricity and machines to dry their clothes. But even there, the condominium association had a right to regulate placement and certain other matters. So, the two are really not related. This is a proposal, or a resolution, that states affirmatively the Legislature's desire to have all people display the flag, display it appropriately, and to acknowledge and to educate that there is a federal law that allows and requires it.

"So Madam President, I just wanted to add some words because I know that perhaps not all of the members had an opportunity to read the testimony and see some of the other information that was made available to the Committee, and I just wanted to add that for clarification. Thank you, Madam President. I ask all my colleagues to vote up on this measure."

The motion was put by the Chair and carried, the report of the majority of the Committee was adopted and S.C.R. No. 218, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING LEGISLATIVE SUPPORT FOR THE RIGHT TO DISPLAY THE UNITED STATES FLAG," was adopted with Senator Hemmings voting "No".

Stand. Com. Rep. No. 2936 (S.C.R. No. 235, 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. 235, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A CLEAN AND SOBER HOME AND HALFWAY HOUSE TASK FORCE," was adopted.

Stand. Com. Rep. No. 2937 (S.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.R. No. 79, S.D. 1, entitled: "SENATE RESOLUTION URGING HAWAII HEALTH SYSTEMS CORPORATION HOSPITALS AND CLINICS TO ACCEPT MEDICAL STUDENT ROTATIONS FROM A.T. STILL UNIVERSITY SCHOOL OF OSTEOPATHIC MEDICINE BASED OUT OF THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER, THE UNIVERSITY OF HAWAII JOHN A. BURNS SCHOOL OF MEDICINE, AND OTHER HAWAII-BASED MEDICAL SCHOOLS," was adopted.

Stand. Com. Rep. No. 2938 (S.C.R. No. 40, S.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the majority of the Committees was adopted and S.C.R. No. 40, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR ENFORCEMENT OF EXISTING OSHA REGULATIONS ON THE USE OF HEXAVALENT

CHROMIUM AND URGING OSHA TO DEVELOP SAFER ALTERNATIVES AND BAN HEXAVALENT CHROMIUM," was adopted.

Stand. Com. Rep. No. 2939 (S.C.R. No. 145, S.D. 1):

Senator Sakamoto moved that the Stand. Com. Rep. No. 2939 and S.C.R. No. 145, S.D. 1 be adopted, seconded by Senator Slom.

Senator Slom requested that his vote be cast "aye, with reservations" and the Chair so ordered.

Senator Hemmings requested that his vote be cast "no" and the Chair so ordered.

The motion was put by the Chair and carried, the joint report of the Committees was adopted and S.C.R. No. 145, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION PROCLAIMING 2010 AS THE YEAR OF ETHNIC STUDIES IN HAWAII," was adopted with Senator Slom voting "Aye with Reservations" and Senator Hemmings voting "No".

Stand. Com. Rep. No. 2940 (S.R. No. 66, S.D. 1):

Senator Sakamoto moved that the Stand. Com. Rep. No. 2940 and S.R. No. 66, S.D. 1 be adopted, seconded by Senator Slom.

Senator Slom requested that his vote be cast "aye, with reservations" and the Chair so ordered.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.R. No. 66, S.D. 1, entitled: "SENATE RESOLUTION PROCLAIMING 2010 AS THE YEAR OF ETHNIC STUDIES IN HAWAII," was adopted with Senator Slom voting "Aye with Reservations".

Stand. Com. Rep. No. 2941 (S.C.R. No. 207, 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. 207, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING MEMBERS OF HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT H.R. 208, THE NATIONAL GUARDSMEN AND RESERVISTS PARITY FOR PATRIOTS ACT, AND S. 644, THE NATIONAL GUARD AND RESERVE RETIRED PAY EQUITY ACT OF 2009," was adopted.

Stand. Com. Rep. No. 2942 (S.R. No. 105, 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. 105, S.D. 1, entitled: "SENATE RESOLUTION URGING MEMBERS OF HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT H.R. 208, THE NATIONAL GUARDSMEN AND RESERVISTS PARITY FOR PATRIOTS ACT, AND S. 644, THE NATIONAL GUARD AND RESERVE RETIRED PAY EQUITY ACT OF 2009," was adopted.

#### FINAL READING

S.B. No. 2340, S.D. 1, H.D. 1:

On motion by Senator Hee, seconded by Senator Tokuda and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2340, S.D. 1, and S.B. No. 2340, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KANEHOE BAY REGIONAL COUNCIL," passed Final Reading on the following showing of Ayes and Noes:

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

#### THIRD READING

Stand. Com. Rep. No. 2953 (H.B. No. 2568, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2953 was adopted and H.B. No. 2568, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DIRECTORS OF THE HAWAII PUBLIC HOUSING AUTHORITY," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2954 (H.B. No. 2056, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 2954 was adopted and H.B. No. 2056, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIST LICENSURE," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2955 (H.B. No. 2197, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 2955 was adopted and H.B. No. 2197, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Third Reading on the following showing of Ayes and Noes:

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

At this time, Senator Galuteria rose on a point of personal privilege and said:

"As we move into this hallowed Easter weekend, may I begin by saying how stunning you look today, Madam President?

"Also, your 'Committee on Food Bank' would like to present a report before we finish off today's session; and I'm just so proud to say that we are headed in the right direction with total funds eclipsing the \$10,000 mark, and if we're on point, we will be eclipsing that high bar that Senator Kidani set last year. I also want to say thank you so much to each and every one of our members. We've had some very innovative fundraising going on, everything from cupid notes to Irish notes to malasadas to boiled peanuts to Indian food. But I will say that the four leaders in the categories of fundraising include, in no particular order, the Ways and Means Chair, the Higher Education Chair, the Energy Chair, and the Health Chair; and we thank you very much for your efforts. As a matter of fact, if the look of my office is any indication of the success of the drive, it looks like the Hasegawa General Store with diapers and canned goods. And speaking of, the Senator from Hana over there, he'll be hosting a putting challenge next week, and he wants to invite you to challenge Danny Kaleikini, who's going to be coming and putting against anybody for \$5. Okay? So bear that in mind. And so, I thank you once again for your kind indulgence.

"And one final word on this special day, and I announced this on the radio show that I co-host this morning. It's a very important event that's happening. At 12:30 today, members, a once-in-a-lifetime astronomical event is going to occur, and I wanted to give you heads up. The planet Pluto will pass behind Jupiter, which means that it will counteract—lessen—the earth's gravity. At 12:30 today, wherever you are, tether yourselves to your desks because gravity will be weightlessness; we'll be hanging around for about 30 seconds. April Fools'. Mahalo, Madam President. Thank you."

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

"Thank you, Madam President. As my colleagues no doubt know, this is my swan song and my last session in the Hawai'i State Legislature, and I would feel remiss if I just faded away. With all the sincerest and best of intent, I wish to share a perspective on something that is going to haunt us—and will haunt us unless we do something—and I've been talking about it for several years—in fact produced a white paper two years ago on it—that has recently been echoed by the *Wall Street Journal*, an institution, a paper, that would not print hearsay or undocumented evidence. The editorial says American's most privileged class are the public union workers and it does, as my paper did several years ago, point out on an item-by-item basis that public workers across this nation exceed in pay and benefits, averagely, that of their counterparts.

"I often hear the word used in our business: fairness, fairness, fairness. We take from the rich and give to the poor to be fair. We take from producers and give to those who aren't producing to be fair. We take from the healthy and give to those who aren't so healthy and sometimes those who abuse their own bodies in order to be fair. Well, it's unfair to the taxpayers of this State and this nation who are underwriting some excessive benefits, so much so that we've lost control of our government, Madam President. I've heard on this floor oftentimes, 'We can't do something here in the legislative body of the State of Hawai'i because it's preempted by collective bargaining laws.' I find that incredulous.

"I used the word the other day in Ways and Means about not taking anything away from anybody, but in the spirit of fairness, balancing things. Give the public workers what their counterparts in the private sector get as far as compensation and benefits go. Well, the *Wall Street Journal* says it better than I. It says, 'If government workers earned the average of what private workers earn, states and localities would save \$339 billion a year from their more than \$2.1 trillion budgets. These savings are larger than the combined estimate deficits for 2010 and 2011 of every state in America.' So, we could easily balance our budget just by being fair and giving public workers what their private sector counterparts get.

"I will mention, too, that there are other ways to balance the budget that have been thrown by the wayside by this Legislature. I'll just mention one; there are many. There was a bill to convert Hawai'i Health Care Systems into a non-profit, private corporation. We paid, in our ongoing efforts to address this issue, for a report called 'Stroudwater,' and of their three essential changes, one was to convert HHSC into a non-profit, private corporation. If that was done, our total annual projected savings would be approximately \$82 million. This year, Maui Memorial, Hilo, and Kona are going to lose \$92 million and will have to be subsidized. That alone would have gone a long way to balance the budget.

"But colleagues, it's been ten years now, and I've tried my best. You're going to have to deal with this next year, and the year after, and the year after. Let's do what's fair for the people of Hawai'i, all the people of Hawai'i. Thank you, Madam President."

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

"Colleagues, if you read today's newspaper, very sad news: A member of the Hawai'i National Guard died Monday in Iraq in a non-combat incident. This definitely brings home the war in the Middle East and the effects and impact it has on our residents and our families. Private First Class Raymond Pacleb of Pearl City volunteered to serve with the Virginia Army National Guard, 229<sup>th</sup> Military Police Company, as a unit supply specialist. His death was announced today, and if I may ask that we recess on a moment of silence in honor of Private First Class Raymond Pacleb. (The Chair so ordered.) 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 may be distributed to your offices later this afternoon.

"The deadline for filing committee reports on House bills to be positioned for Third Reading on Tuesday is 8:00 p.m. tonight."

### STANDING COMMITTEE REPORTS

On motion by Senator Sakamoto, seconded by Senator Slom and carried unanimously, the Senate authorized the Clerk to receive standing committee reports recommending that House bills be placed on the calendar for Third Reading. In consequence thereof and subsequent to its recessing at 12:10 p.m., the Senate took the following actions on the following resolutions and standing committee reports:

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2984) recommending that H.B. No. 2288, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2984 and H.B. No. 2288, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE TRANSFER FEES," was deferred until Tuesday, April 6, 2010.

Senator Taniguchi, for the majority of the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2985) recommending that H.B. No. 2085, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2985 and H.B. No. 2085, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred until Tuesday, April 6, 2010.

Senator Taniguchi, for the majority of the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2986) recommending that H.B. No. 2061, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2986 and H.B. No. 2061, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," was deferred until Tuesday, April 6, 2010.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2987) recommending that H.B. No. 2383, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2987 and H.B. No. 2383, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FLAGS," was deferred until Tuesday, April 6, 2010.

Senator Taniguchi, for the majority of the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2988) recommending that H.B. No. 2441, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2988 and H.B. No. 2441, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was deferred until Tuesday, April 6, 2010.

Senator Taniguchi, for the majority of the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2989) recommending that H.B.

No. 2349, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2989 and H.B. No. 2349, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VIOLENCE AGAINST HEALTH CARE PERSONNEL," was deferred until Tuesday, April 6, 2010.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2990) recommending that H.B. No. 1190, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2990 and H.B. No. 1190, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ACCIDENT INVESTIGATION," was deferred until Tuesday, April 6, 2010.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2991) recommending that H.B. No. 2132, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2991 and H.B. No. 2132, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," was deferred until Tuesday, April 6, 2010.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2992) recommending that H.B. No. 2575, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2992 and H.B. No. 2575, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAUMA," was deferred until Tuesday, April 6, 2010.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2993) recommending that H.B. No. 1808, H.D. 3, S.D. 1 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2993 and H.B. No. 1808, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL AREAS," was deferred until Tuesday, April 6, 2010.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2994) recommending that H.B. No. 2133, H.D. 1, S.D. 1 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2994 and H.B. No. 2133, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was deferred until Tuesday, April 6, 2010.

Senator Taniguchi, for the majority of the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2995) recommending that H.B. No. 2897, H.D. 1, S.D. 1 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2995 and H.B. No. 2897, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2996) recommending that H.B. No. 2505, H.D. 1, S.D. 1 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2996 and H.B. No. 2505, H.D. 1, S.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO THE ACCESS HAWAII COMMITTEE," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2997) recommending that H.B. No. 2084, H.D. 1, S.D. 1 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2997 and H.B. No. 2084, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FEDERAL DISPROPORTIONATE SHARE HOSPITAL FUNDS," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2998) recommending that H.B. No. 979, H.D. 1, S.D. 1 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2998 and H.B. No. 979, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2999) recommending that H.B. No. 2318, H.D. 2, S.D. 1 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2999 and H.B. No. 2318, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3000) recommending that H.B. No. 2670, H.D. 1, S.D. 1 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3000 and H.B. No. 2670, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3001) recommending that H.B. No. 2290, H.D. 2, S.D. 1 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3001 and H.B. No. 2290, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3002) recommending that H.B. No. 2409, H.D. 2, S.D. 1 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3002 and H.B. No. 2409, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3003) recommending that H.B. No. 2266, H.D. 1, S.D. 1 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3003 and H.B. No. 2266, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3004) recommending that H.B. No. 2152, H.D. 1, S.D. 1 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3004 and H.B. No. 2152, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3005) recommending that H.B. No. 674, H.D. 1, S.D. 1 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3005 and H.B. No. 674, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3006) recommending that H.B. No. 2000, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3006 and H.B. No. 2000, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3007) recommending that H.B. No. 1854, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3007 and H.B. No. 1854, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3008) recommending that H.B. No. 2294, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3008 and H.B. No. 2294, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3009) recommending that H.B. No. 2377, H.D. 3, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3009 and H.B. No. 2377, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3010) recommending that H.B. No. 2486, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3010 and H.B. No. 2486, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3011) recommending that H.B. No. 415, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3011 and H.B. No. 415, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3012) recommending that H.B. No. 1818, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3012 and H.B. No. 1818, H.D. 2, S.D. 2, entitled: "A BILL FOR AN

ACT RELATING TO COGNITIVE RESTRUCTURING," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3013) recommending that H.B. No. 2461, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3013 and H.B. No. 2461, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3014) recommending that H.B. No. 2533, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3014 and H.B. No. 2533, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT OF EMPLOYEES' RETIREMENT SYSTEM RETIRANTS," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3015) recommending that H.B. No. 2919, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3015 and H.B. No. 2919, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3016) recommending that H.B. No. 2239, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3016 and H.B. No. 2239, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3017) recommending that H.B. No. 2503, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3017 and H.B. No. 2503, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3018) recommending that H.B. No. 2582, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3018 and H.B. No. 2582, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VESSELS AT ALA WAI AND KEEHI BOAT HARBORS," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3019) recommending that H.B. No. 2583, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3019 and H.B. No. 2583, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO IMPOUNDED VESSELS," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3020) recommending

that H.B. No. 2741, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3020 and H.B. No. 2741, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3021) recommending that H.B. No. 2775, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3021 and H.B. No. 2775, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3022) recommending that H.B. No. 2598, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3022 and H.B. No. 2598, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3023) recommending that H.B. No. 2984, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3023 and H.B. No. 2984, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3024) recommending that H.B. No. 2962, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3024 and H.B. No. 2962, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3025) recommending that H.B. No. 2832, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3025 and H.B. No. 2832, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TARO SECURITY," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3026) recommending that H.B. No. 2604, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3026 and H.B. No. 2604, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3027) recommending that H.B. No. 2643, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3027 and H.B. No. 2643, H.D. 2, S.D. 2, entitled: "A BILL FOR AN

ACT RELATING TO CLEAN ENERGY BONDS," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3028) recommending that H.B. No. 2644, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3028 and H.B. No. 2644, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3029) recommending that H.B. No. 2688, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3029 and H.B. No. 2688, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3030) recommending that H.B. No. 2831, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3030 and H.B. No. 2831, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3031) recommending that H.B. No. 2783, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3031 and H.B. No. 2783, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3032) recommending that H.B. No. 2087, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3032 and H.B. No. 2087, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3033) recommending that H.B. No. 2774, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3033 and H.B. No. 2774, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3034) recommending that H.B. No. 1901, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3034 and H.B. No. 1901, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT OF VOTING SYSTEM EQUIPMENT," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3035) recommending that H.B. No. 2692, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3035 and H.B. No. 2692, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS PLANNING," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3036) recommending that H.B. No. 2698, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3036 and H.B. No. 2698, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3037) recommending that H.B. No. 2306, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3037 and H.B. No. 2306, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3038) recommending that H.B. No. 2923, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3038 and H.B. No. 2923, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred until Tuesday, April 6, 2010.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 3039) recommending that H.B. No. 2083, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3039 and H.B. No. 2083, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MILK LABELING," was deferred until Tuesday, April 6, 2010.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 3040) recommending that H.B. No. 2086, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3040 and H.B. No. 2086, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE DATA," was deferred until Tuesday, April 6, 2010.

Senator Taniguchi, for the majority of the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 3041) recommending that H.B. No. 2376, H.D. 3, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3041 and H.B. No. 2376, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE BOARD OF EDUCATION," was deferred until Tuesday, April 6, 2010.

Senator Taniguchi, for the majority of the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 3042) recommending that H.B. No. 347, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3042 and H.B. No. 347, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred until Tuesday, April 6, 2010.

Senators Taniguchi and Kim, for the Committee on Judiciary and Government Operations and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 3043) recommending that H.B. No. 921, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3043 and H.B. No. 921, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred until Tuesday, April 6, 2010.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 3044) recommending that H.B. No. 1987, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3044 and H.B. No. 1987, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3045) recommending that H.B. No. 2421, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3045 and H.B. No. 2421, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3046) recommending that H.B. No. 2595, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3046 and H.B. No. 2595, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3047) recommending that H.B. No. 2381, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3047 and H.B. No. 2381, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3048) recommending that H.B. No. 2667, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3048 and H.B. No. 2667, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FERRIES," was deferred until Tuesday, April 6, 2010.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 3049) recommending that H.B. No. 2661, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3049 and H.B. No. 2661, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS," was deferred until Tuesday, April 6, 2010.

Senators Taniguchi and Kim, for the Committee on Judiciary and Government Operations and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 3050) recommending that H.B. No. 2631, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3050 and H.B. No. 2631, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY INDUSTRY REPORTING," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3051) recommending that H.B. No. 40, H.D. 1 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3051 and H.B. No. 40, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," was deferred until Tuesday, April 6, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3052) recommending that H.B. No. 2497, S.D. 1 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3052 and H.B. No. 2497, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," was deferred until Tuesday, April 6, 2010.

#### **RE-REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The Chair re-referred the following Senate concurrent resolutions that were offered:

S.C.R. No.:	Re-referred to:
S.C.R. No. 18	Committee on Ways and Means
S.C.R. No. 172	Committee on Public Safety and Military Affairs

#### **RE-REFERRAL OF A SENATE RESOLUTION**

The Chair re-referred the following Senate resolution that was offered:

S.R. No.:	Re-referred to:
S.R. No. 75	Committee on Public Safety and Military Affairs

#### **ADJOURNMENT**

At 8:00 p.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 9:00 a.m., Tuesday, April 6, 2010, on a rising vote, observing a moment of silence in memory of Private First Class Raymond Pacleb.

ATTACHMENT A

120 STAT. 572

PUBLIC LAW 109-243—JULY 24, 2006

Public Law 109-243  
109th Congress

## An Act

July 24, 2006  
[H.R. 42]

To ensure that the right of an individual to display the flag of the United States on residential property not be abridged.

Freedom to  
Display the  
American Flag  
Act of 2005.  
4 USC 5 note.*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,***SECTION 1. SHORT TITLE.**This Act may be cited as the “Freedom to Display the American  
Flag Act of 2005”.

4 USC 5 note.

**SEC. 2. DEFINITIONS.**

For purposes of this Act—

(1) the term “flag of the United States” has the meaning  
given the term “flag, standard, colors, or ensign” under section  
3 of title 4, United States Code;(2) the terms “condominium association” and “cooperative  
association” have the meanings given such terms under section  
604 of Public Law 96-399 (15 U.S.C. 3603);(3) the term “residential real estate management associa-  
tion” has the meaning given such term under section 528 of  
the Internal Revenue Code of 1986 (26 U.S.C. 528); and

(4) the term “member”—

(A) as used with respect to a condominium association,  
means an owner of a condominium unit (as defined under  
section 604 of Public Law 96-399 (15 U.S.C. 3603)) within  
such association;(B) as used with respect to a cooperative association,  
means a cooperative unit owner (as defined under section  
604 of Public Law 96-399 (15 U.S.C. 3603)) within such  
association; and(C) as used with respect to a residential real estate  
management association, means an owner of a residential  
property within a subdivision, development, or similar area  
subject to any policy or restriction adopted by such associa-  
tion.

4 USC 5 note.

**SEC. 3. RIGHT TO DISPLAY THE FLAG OF THE UNITED STATES.**A condominium association, cooperative association, or residen-  
tial real estate management association may not adopt or enforce  
any policy, or enter into any agreement, that would restrict or  
prevent a member of the association from displaying the flag of  
the United States on residential property within the association  
with respect to which such member has a separate ownership  
interest or a right to exclusive possession or use.

PUBLIC LAW 109-243—JULY 24, 2006

120 STAT. 573

**SEC. 4. LIMITATIONS.**

4 USC 5 note.

Nothing in this Act shall be considered to permit any display  
or use that is inconsistent with—(1) any provision of chapter 1 of title 4, United States  
Code, or any rule or custom pertaining to the proper display  
or use of the flag of the United States (as established pursuant  
to such chapter or any otherwise applicable provision of law);  
or(2) any reasonable restriction pertaining to the time, place,  
or manner of displaying the flag of the United States necessary  
to protect a substantial interest of the condominium association,  
cooperative association, or residential real estate management  
association.

Approved July 24, 2006.