

TWENTY-NINTH DAY

Monday, March 13, 2006

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 11:40 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Ileiialoha Beniamina, after which the Roll was called showing all Senators present with the exception of Senators Fukunaga, Menor and Whalen who were excused.

The President announced that he had read and approved the Journal of the Twenty-Eighth Day.

At 12:16 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:26 o'clock p.m.

HOUSE COMMUNICATION

Hse. Com. No. 349, transmitting H.C.R. No. 15, which was adopted by the House of Representatives on March 10, 2006, was read by the Clerk and was placed on file.

By unanimous consent, action on H.C.R. No. 15, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF DEFENSE TO PRESENT A HOMELAND SECURITY PLAN TO THE LEGISLATURE," was deferred until Tuesday, March 14, 2006.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 57 to 60) were read by the Clerk and were referred to committees:

Senate Concurrent Resolution

No. 57 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION INVESTIGATE THE FEASIBILITY OF EBOOKS AS AN ALTERNATIVE TO TRADITIONAL TEXTBOOKS AND REPORT ITS FINDINGS TO THE LEGISLATURE."

Offered by: Senators Kim, Sakamoto, Hooser.

Referred to: Jointly to the Committee on Education and Military Affairs and the Committee on Media, Arts, Science and Technology

No. 58 "SENATE CONCURRENT RESOLUTION URGING THE OWNERS OF KUKUI GARDENS TO SELL THE PROJECT TO A QUALIFIED AFFORDABLE HOUSING NON-PROFIT ORGANIZATION."

Offered by: Senators Menor, Espero, Chun Oakland, Inouye, Sakamoto, Kim, Nishihara, Taniguchi, English, Kokubun, Ige, Baker, Fukunaga, Hooser, Hanabusa.

Referred to: Committee on Commerce, Consumer Protection and Housing

No. 59 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO OFFER MISS HAWAII A CONTRACT FOR SERVING AS THE OFFICIAL HONORARY HOSTESS OF THE STATE OF

HAWAII IN PROMOTING HAWAII'S PRODUCTS TO THE WORLD."

Offered by: Senator Fukunaga.

Referred to: Committee on Business and Economic Development, then to the Committee on Ways and Means

No. 60 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION EXEMPT THE HIGH CORE PROGRAM'S COMPREHENSIVE SCHOOL ALIENATION PROGRAM FUNDING FROM THE WEIGHTED STUDENT FORMULA BUDGETING PROCESS AS WAS INTENDED BY THE COMMITTEE ON WEIGHTS AND THE BOARD OF EDUCATION."

Offered by: Senators Menor, Bunda.

Referred to: Committee on Education and Military Affairs, then to the Committee on Ways and Means

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 36 to 38) were read by the Clerk and were referred to committees:

Senate Resolution

No. 36 "SENATE RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION INVESTIGATE THE FEASIBILITY OF EBOOKS AS AN ALTERNATIVE TO TRADITIONAL TEXTBOOKS AND REPORT ITS FINDINGS TO THE LEGISLATURE."

Offered by: Senators Kim, Sakamoto, Hooser.

Referred to: Jointly to the Committee on Education and Military Affairs and the Committee on Media, Arts, Science and Technology

No. 37 "SENATE RESOLUTION URGING THE OWNERS OF KUKUI GARDENS TO SELL THE PROJECT TO A QUALIFIED AFFORDABLE HOUSING NON-PROFIT ORGANIZATION."

Offered by: Senators Menor, Espero, Chun Oakland, Sakamoto, Kim, Kanno, Nishihara, Kokubun, Fukunaga, Inouye, Ige, English, Baker, Hanabusa, Hooser.

Referred to: Committee on Commerce, Consumer Protection and Housing

No. 38 "SENATE RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION EXEMPT THE HIGH CORE PROGRAM'S COMPREHENSIVE SCHOOL ALIENATION PROGRAM FUNDING FROM THE WEIGHTED STUDENT FORMULA BUDGETING PROCESS AS WAS INTENDED BY THE COMMITTEE ON WEIGHTS AND THE BOARD OF EDUCATION."

Offered by: Senators Menor, Bunda.

Referred to: Committee on Education and Military Affairs, then to the Committee on Ways and Means

STANDING COMMITTEE REPORT

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2920) recommending that the Senate advise and consent to the nomination of MARIE LADERTA as the Director of the Department of Human Resources Development, in accordance with Gov. Msg. No. 231.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2920 and Gov. Msg. No. 231 was deferred until Tuesday, March 14, 2006.

ORDER OF THE DAY

ADOPTION OF RESOLUTION

MATTER DEFERRED FROM FRIDAY, MARCH 10, 2006

Stand. Com. Rep. No. 2919 (S.C.R. No. 7, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2919 and S.C.R. No. 7, S.D. 1, be adopted, seconded by Senator Hogue.

Senator Slom rose in opposition to the measure and said:

“Mr. President, I rise in opposition to the resolution.

“Here we have several problems, Mr. President. I believe certainly we should be helping community associations and community functions and certainly libraries, and the Makiki Library is to be congratulated. It started out as a volunteer effort. People in the community of which I used to live were very active and they’ve raised funds, they’ve expanded the facilities there and I think it’s a great institution.

“We have a problem, though, and the problem is this – we talk a great deal in this Body about home rule; we also talk about responsibility, and the responsibility is that this facility rests with the City and County of Honolulu. It’s on City and County of Honolulu land. It’s being managed by the City and County of Honolulu. The City and County of Honolulu has put money into the facility. They want to expand the facility and have a new building. Two years ago this Legislative Body appropriated money which the Governor has not released, and in her message of not releasing the funds, again she pointed to the fact that this is a City and County of Honolulu facility. I think we should honor that, particularly at this day and time when many of us are being visited, as I am today, by librarians who are very concerned because their positions are being cut at the state level in state public institutions and they seek additional funding or they seek change in priorities from the Department of Education.

“So, while I certainly support and laud the efforts of those people that have brought this facility to life, I think that if we’re talking about our priorities, our priorities should go to state functions and to those that are public functions rather than private functions.

“Thank you.”

Senator Kim rose to support the measure as follows:

“Mr. President, I rise to speak in support.

“I rise, Mr. President, because this debate will continue on and on. While I served on the city council the only reason the city council took on the Makiki Library is because the state would never take on the services. Libraries are a state service.

It’s a state function. And year after year, the constituents and the people of Makiki would come and beg the city council for monies because the state wouldn’t put money into the library. So, the city did not want to do it. It’s really not a city function, but we did it to support the community.

“So, it’s about time the state stood up and took advantage of the fact that the city for all these years helped fund the library that should have been funded with state funds, Mr. President. Thank you.”

Senator Chun Oakland rose to speak in support and stated:

“Mr. President, I also stand in support of this resolution.

“For over 20 years I’ve been familiar with this issue having worked at the city council as a staff member and the community has worked so hard to provide this treasure of a service. It’s a very holistic array of all kinds of community services co-located, including the library.

“I think we need to support this kind of effort. Thank you.”

The motion was put by the Chair and carried, the report of the Committee was adopted and S.C.R. No. 7, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO RELEASE \$4,500,000 TO RENOVATE AND BUILD A COMMUNITY CENTER AT THE MAKIKI COMMUNITY LIBRARY,” was adopted with Senators Slom and Trimble voting “No.”

REFERRAL OF A HOUSE CONCURRENT RESOLUTION

MATTER DEFERRED FROM FRIDAY, MARCH 10, 2006

The President made the following committee assignment of a House concurrent resolution that was received on Friday, March 10, 2006:

House Concurrent Resolution	Referred to:
No. 30, H.D. 1	Committee on Water, Land, and Agriculture

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions that were offered on Friday, March 10, 2006:

Senate Concurrent Resolution	Referred to:
No. 53 Affairs	Committee on Education and Military Affairs
No. 54	Jointly to the Committee on Education and Military Affairs and the Committee on Media, Arts, Science and Technology
No. 55	Committee on Commerce, Consumer Protection and Housing
No. 56	Committee on Water, Land, and Agriculture

REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Friday, March 10, 2006:

- | | |
|----------------------|---|
| Senate
Resolution | Referred to: |
| No. 33
Affairs | Committee on Education and Military |
| No. 34 | Jointly to the Committee on Education
and Military Affairs and the Committee on Media, Arts,
Science and Technology |
| No. 35 | Committee on Commerce, Consumer
Protection and Housing |

RE-REFERRAL OF HOUSE BILLS

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

- | | |
|-------------------------|---|
| House Bill | Referred to: |
| No. 30, H.D. 1 | Jointly to the Committee on Human
Services and the Committee on Health, then to the Committee
on Ways and Means |
| No. 173, H.D. 1 | Committee on Education and
Military Affairs |
| No. 440, H.D. 2 | Jointly to the Committee on
Transportation and Government Operations, the Committee on
Health and the Committee on Human Services, then to the
Committee on Ways and Means |
| No. 487, H.D. 1, S.D. 1 | Committee on Transportation and
Government Operations, then to the Committee on Ways and
Means |
| No. 1928, H.D. 2 | Jointly to the Committee on Tourism
and the Committee on Water, Land, and Agriculture, then
jointly to the Committee on Judiciary and Hawaiian Affairs and
the Committee on Ways and Means |
| No. 1977, H.D. 1 | Committee on Commerce, Consumer
Protection and Housing, then to the Committee on Judiciary and
Hawaiian Affairs |
| No. 2039, H.D. 2 | Jointly to the Committee on Health
and the Committee on Judiciary and Hawaiian Affairs, then to
the Committee on Ways and Means |
| No. 2177 | Jointly to the Committee on Water,
Land, and Agriculture and the Committee on Judiciary and
Hawaiian Affairs, then to the Committee on Ways and Means |
| No. 2210 | Jointly to the Committee on
Education and Military Affairs and the Committee on Ways and
Means |
| No. 2566, H.D. 1 | Jointly to the Committee on
Commerce, Consumer Protection and Housing and the
Committee on Water, Land, and Agriculture, then to the
Committee on Ways and Means |
| No. 2747, H.D. 2 | Jointly to the Committee on
Transportation and Government Operations and the Committee |

on Intergovernmental Affairs, then to the Committee on
Judiciary and Hawaiian Affairs

No. 2863, H.D. 2 Jointly to the Committee on Media,
Arts, Science and Technology, the Committee on Energy,
Environment, and International Affairs and the Committee on
Business and Economic Development, then to the Committee
on Ways and Means

No. 2878, H.D. 1 Jointly to the Committee on Water,
Land, and Agriculture and the Committee on Business and
Economic Development, then to the Committee on Ways and
Means

No. 3077, H.D. 1 Committee on Business and
Economic Development, then to the Committee on Ways and
Means

No. 3087, H.D. 2 Jointly to the Committee on
Transportation and Government Operations and the Committee
on Health, then to the Committee on Ways and Means

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

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

- | | |
|------------------------------------|--|
| Senate
Concurrent
Resolution | Referred to: |
| No. 4 | Jointly to the Committee on Business and
Economic Development and the Committee on Water, Land,
and Agriculture, then to the Committee on Ways and Means |

ADJOURNMENT

At 12:30 o'clock p.m., on motion by Senator Baker,
seconded by Senator Hogue and carried, the Senate adjourned
until 11:30 o'clock a.m., Tuesday, March 14, 2006.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate