

THIRTY-NINTH DAY

Tuesday, March 27, 2007

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2007, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Lorraine R. Inouye, Hawai'i State Senate, after which the Roll was called showing all Senators present with the exception of Senator Whalen who was excused.

The President announced that she had read and approved the Journal of the Thirty-Eighth Day.

In commemoration of the 100th Anniversary of the University of Hawai'i, the following coaches and athletes of the University of Hawaii Athletics Program were introduced:

Senator Sakamoto introduced the Head Coach for the University of Hawaii Men's Basketball Team, Riley Wallace, who was represented by his wife Joan; Assistant Coach Bob Nash; and competitive divers Magnus Frick and Mats Wiktorsson.

Senator Taniguchi introduced University of Hawaii Warrior Football Team Head Coach June Jones and quarterback Colt Brennan.

Senator Tokuda introduced Associate Athletics Director, Senior Woman Administrator, Marilyn Moniz-Kahooahano and competitive diver Megan Farrow.

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 o'clock a.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 475 and 476) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 475, returning S.B. No. 1260, S.D. 2, which passed Third Reading in the House of Representatives on March 23, 2007, was placed on file.

Hse. Com. No. 476, returning S.B. No. 56, S.D. 1, which passed Third Reading in the House of Representatives on March 23, 2007, in an amended form, was placed on file.

On motion by Senator Hooser, seconded by Senator Gabbard and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 56, S.D. 1, and requested a conference on the subject matter thereof.

STANDING COMMITTEE REPORTS

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1346) recommending that the Senate advise and consent to the nomination of JOELLE SEGAWA KANE to the Board of Directors of the Research Corporation of the University of Hawai'i, in accordance with Gov. Msg. No. 463.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1346 and Gov. Msg. No. 463 was deferred until Thursday, March 29, 2007.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1347) recommending that the Senate advise and consent to the nomination of CAROL E. SEIELSTAD to the Hawai'i Teacher Standards Board, in accordance with Gov. Msg. No. 498.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1347 and Gov. Msg. No. 498 was deferred until Thursday, March 29, 2007.

Senator Inouye, for the Committee on Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 1348) recommending that S.R. No. 21 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1348 and S.R. No. 21, entitled: "SENATE RESOLUTION CONDEMNING THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES' FEE INCREASE," was deferred until Thursday, March 29, 2007.

Senators Inouye and Ige, for the Committee on Intergovernmental and Military Affairs and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 1349) recommending that S.R. No. 34 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1349 and S.R. No. 34, entitled: "SENATE RESOLUTION URGING THE CIVIL DEFENSE DIVISION OF THE STATE DEPARTMENT OF DEFENSE TO DESIGNATE A LEAD STAFF TO ADDRESS THE NEEDS OF INDIVIDUALS WITH DISABILITIES AND SPECIAL HEALTH NEEDS," was deferred until Thursday, March 29, 2007.

Senators Inouye and Ige, for the Committee on Intergovernmental and Military Affairs and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 1350) recommending that S.C.R. No. 58 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1350 and S.C.R. No. 58, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CIVIL DEFENSE DIVISION OF THE STATE DEPARTMENT OF DEFENSE TO DESIGNATE A LEAD STAFF TO ADDRESS THE NEEDS OF INDIVIDUALS WITH DISABILITIES AND SPECIAL HEALTH NEEDS," was deferred until Thursday, March 29, 2007.

Senators English and Inouye, for the Committee on Transportation and International Affairs and the Committee on Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 1351) recommending that S.R. No. 12 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1351 and S.R. No. 12, entitled: "SENATE RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO COOPERATE AND COORDINATE EFFORTS TO HARMONIZE PEDESTRIAN WALK SIGNAL LIGHTS WITH THE PEDESTRIAN'S RIGHT OF WAY IN CROSSWALK LAW," was deferred until Thursday, March 29, 2007.

Senators English and Inouye, for the Committee on Transportation and International Affairs and the Committee on Intergovernmental and Military Affairs, presented a joint report

(Stand. Com. Rep. No. 1352) recommending that S.C.R. No. 30 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1352 and S.C.R. No. 30, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO COOPERATE AND COORDINATE EFFORTS TO HARMONIZE PEDESTRIAN WALK SIGNAL LIGHTS WITH THE PEDESTRIAN'S RIGHT OF WAY IN CROSSWALK LAW," was deferred until Thursday, March 29, 2007.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1337 (Gov. Msg. No. 279):

Senator English moved that Stand. Com. Rep. No. 1337 be received and placed on file, seconded by Senator Inouye and carried.

Senator English then moved that the Senate advise and consent to the nomination of BARRY A. FUKUNAGA as Director of the Department of Transportation, term to expire December 6, 2010, seconded by Senator Inouye.

Senator English rose in support of the nominee and said:

"Madam President, members of the Senate, I'd like to ask for your support in confirming Mr. Fukunaga as the Director of Transportation.

"Since the beginning of this year, I've gotten to know Mr. Fukunaga quite well and he's been very responsive to the inquiries by myself and by members of the Legislature, very forthcoming with information, and very enthusiastic about his future role as director.

"I'd like to quote from his committee report because I think this sums up the feelings of the people. And by the way, we had 50 testifiers and no opposition. 'Mr. Fukunaga's guiding vision as Director of Transportation is to recognize a sense of urgency in the way the DOT does its work; to be open and communicative to the public concerning DOT projects; to deliver DOT projects sooner and to do them well; to strive for excellence in the work of the DOT; and to give professional support to DOT employees. Your Committee believes that the nominee's vast experience in all aspects of transportation; his managerial experience and education; unanimous support from testifiers; ready responses to legislators' inquiries; and provision of complete information to the Legislature qualifies him to be the Director of Transportation.'

"Members, I ask for your support, as I feel that he will be a great asset to the people of Hawaii. Thank you."

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

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

At this time, Senator English introduced Mr. Fukunaga and his family to the members of the Senate.

At 12:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:06 o'clock p.m.

THIRD READING

H.B. No. 1248, H.D. 1, S.D. 1:

On motion by Senator Hee, seconded by Senator Kokubun and carried, H.B. No. 1248, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NAME CHANGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 931, H.D. 1, S.D. 1:

Senator English moved that H.B. No. 931, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Inouye.

Senator Trimble rose in opposition to the measure and said:

"Madam President, I rise in opposition to H.B. No. 931.

"Colleagues, thank you for the opportunity to speak against essentially the same bill twice. Last time I rose I said that three-wheeled mopeds are too wide for the bicycle lanes that they are expected to ride in. We can expect that the people that will be driving them are in many cases people that do not have driver's licenses, and the roads that they will be driving on are already congested.

"We have just confirmed the new director of DOT and at the hearings it was DOT that stood in opposition to this law change. I think we should consider the consequences of the new laws that we make. If this bill is enacted into law, then what we will be doing is making it easier for people to use three-wheeled mopeds on the streets of Honolulu and the City and County of Honolulu. To the extent that this becomes more and more popular and that there is that increase in the number and usage of vehicles in our state and in the county, then we will see congestion increase by that segment of our society that knows the least about driving – those that are young and those that are visitors to our islands.

"This is a safety issue. I hope that you consider it when you cast your vote. Thank you."

Senator English rose in support of the measure as follows:

"Madam President, I rise in support of the measure.

"Madam President, it appears that the previous speaker failed to read the current version of the bill that's before us because it's agreed upon by both the Department of Transportation and the proponents of this measure. It also restricts the mopeds to roadways with speed limits of 35 miles per hour or less.

"The language was well crafted by the Department of Transportation after they sat down and worked it out with the proponents. So now they have the full support of the DOT.

"Thank you."

The motion was put by the Chair and carried, H.B. No. 931, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOPEDES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Trimble). Excused, 1 (Whalen).

H.B. No. 1104, H.D. 1, S.D. 1:

On motion by Senator Kokubun, seconded by Senator Tokuda and carried, H.B. No. 1104, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 272, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Ige and carried, H.B. No. 272, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 349, S.D. 1:

On motion by Senator Inouye, seconded by Senator English and carried, H.B. No. 349, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY REGULATION OF COMMERCIAL BICYCLE TOURS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1756:

On motion by Senator Inouye, seconded by Senator Tsutsui and carried, H.B. No. 1756, entitled: "A BILL FOR AN ACT RELATING TO COUNTY CONCESSIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1672:

Senator Baker moved that H.B. No. 1672, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose in opposition to the measure as follows:

"Madam President, I rise in opposition to H.B. No. 1672. Again I get to speak against essentially the same bill.

"This provides for setting the salaries of certain positions in legislative services agencies to that in the executive branch. I feel that it is inappropriate on one hand to set legislative salaries of services agencies attached to us to that of the executive branch.

"Second, I want to note that it does represent a cost increase that will automatically go into effect over time without us considering whether that salary increase is merited by the facts.

"Thank you."

Senator Baker rose to speak in support and said:

"Madam President, I rise in support of this measure.

"Madam President, colleagues, the best benchmark that we have to peg salaries of our staff that do comparable work is the executive branch or to look at the counties. The executive branch is the most closely related to the kind of work that some

of our service agency deputies, heads, and others undertake. If we want to continue to have capable and competent employees and attract individuals when some of our service agency personnel retire, we need to have competitive salaries.

"I believe this is an appropriate measure and I urge all my colleagues to support it. Thank you."

The motion was put by the Chair and carried, H.B. No. 1672, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE SERVICE AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Slom, Trimble). Excused, 1 (Whalen).

H.B. No. 1226, H.D. 1:

On motion by Senator Baker, seconded by Senator Tsutsui and carried, H.B. No. 1226, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ELECTRICITY PAYMENTS STATEWIDE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

RE-REFERRAL OF HOUSE BILLS

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

House Bill	Referred to:
No. 863, H.D. 1	Committee on Judiciary and Labor
No. 1034	Jointly to the Committee on Economic Development and Taxation and the Committee on Ways and Means
No. 1171, H.D. 1	Committee on Ways and Means

RE-REFERRAL OF SENATE CONCURRENT RESOLUTIONS

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

Senate Concurrent Resolution	Referred to:
No. 86	Jointly to the Committee on Economic Development and Taxation and the Committee on Intergovernmental and Military Affairs, then to the Committee on Ways and Means
No. 101	Jointly to the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Energy and Environment
No. 153	Committee on Judiciary and Labor
No. 174	Jointly to the Committee on Tourism and Government Operations and the Committee on Education
No. 193	Committee on Water, Land, Agriculture and Hawaiian Affairs

**RE-REFERRAL OF
SENATE RESOLUTIONS**

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

Senate

Resolution

Referred to:

No. 50 Jointly to the Committee on Economic Development and Taxation and the Committee on Intergovernmental and Military Affairs, then to the Committee on Ways and Means

No. 61 Jointly to the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Energy and Environment

No. 123 Committee on Water, Land, Agriculture and Hawaiian Affairs

Senator Fukunaga, Chair of the Committee on Economic Development and Taxation, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.C.R. No. 62.

Senator Fukunaga noted:

“Madam President, the purpose of the waiver is to allow us to add this resolution to Thursday’s agenda. We were not able to obtain a draft of the proposal until this morning.”

The Chair then granted the waiver.

ADJOURNMENT

At 12:15 o’clock p.m., on motion by Senator Ige, seconded by Senator Gabbard and carried, the Senate adjourned until 11:30 o’clock a.m., Thursday, March 29, 2007.