

FIFTY-FIFTH DAY

Tuesday, April 22, 2008

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2008, convened at 11:36 a.m. with the President in the Chair.

The Divine Blessing was invoked by Miss Carissa "Bubbles" Kano, Hawai'i Baptist Academy, after which the Roll was called showing all Senators present with the exception of Senator Menor who was excused.

The President announced that she had read and approved the Journal of the Fifty-Fourth Day.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 647, dated April 21, 2008, 2008, transmitting her statement of objections to House Bill No. 3161 which she has returned to the House of Representatives without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

April 21, 2008

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 3161

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 3161, entitled 'A Bill for an Act Making an Emergency Appropriation to the Hawaii Health Systems Corporation.'

The purpose of this bill is to make an emergency appropriation in the amount of \$25,000,000, for fiscal year 2007-2008, to the Hawaii Health Systems Corporation (HHSC) to ensure that HHSC can pay for the operation and provision of current levels of service at Leahi Hospital, Maluhia, Samuel Mahelona Memorial Hospital, Lana'i Community Hospital, Hilo Medical Center, Ka'u Hospital, Kona Community Hospital, Kohala Hospital, and Maui Memorial Medical Center.

This bill originally appropriated \$14,000,000 for HHSC and did not include moneys for the Maui Memorial Medical Center. The Legislature amended it by adding section 4, which makes an additional appropriation of \$11,000,000 for the Maui Memorial Medical Center, with expenditure of the money conditioned on whether the operating loan that was being negotiated by the Maui Memorial Medical Center did not close before April 4, 2008. The operating loan did not close until April 10, 2008; therefore, the section 4 appropriation of \$11,000,000 will be effective. However, because the operating loan did close and the additional \$11,000,000 appropriation for Maui Memorial Medical Center is no longer needed, this appropriation should now be deleted.

Section 16 of Article III of the State Constitution provides that, "[e]xcept for items appropriated to be expended by the judicial and legislative branches, the governor may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same."

Therefore, pursuant to my line item veto authority, I have stricken out the \$11,000,000 appropriation from section 4 at line 12 on page 2 of the bill by drawing a line through the \$11,000,000 appropriation out of the general fund for fiscal year 2007-2008 for the Maui Memorial Medical Center and changing the amount to \$0.

For the foregoing reasons, I am returning House Bill No. 3161 with the appropriation in section 4 totaling \$11,000,000 in general fund appropriations for fiscal year 2007-2008, stricken out and reduced to \$0.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii,"

was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 760 to 787) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 760, informing the Senate that the House reconsidered its actions taken on April 10, 2008, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 2085, H.D. 1 (S.D. 2);
H.B. No. 2238, H.D. 1 (S.D. 1);
H.B. No. 2698, H.D. 3 (S.D. 1); and
H.B. No. 2894 (S.D. 1),

was placed on file.

Hse. Com. No. 761, informing the Senate that the House reconsidered its action taken on April 3, 2008, in disagreeing to the amendments proposed by the Senate to H.B. No. 2460 (S.D. 1), was placed on file.

Hse. Com. No. 762, informing the Senate that the House reconsidered its action taken on April 8, 2008, in disagreeing to the amendments proposed by the Senate to H.B. No. 2675, H.D. 2 (S.D. 1), was placed on file.

Hse. Com. No. 763, informing the Senate that the amendments proposed by the Senate to H.C.R. No. 114, were agreed to by the House and H.C.R. No. 114, S.D. 1, was finally adopted in the House of Representatives on April 21, 2008, was placed on file.

Hse. Com. No. 764, returning S.C.R. No. 33, S.D. 1, which was adopted by the House of Representatives on April 21, 2008, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 33, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING, THE DEPARTMENT OF HEALTH, THE DEPARTMENT OF HUMAN SERVICES, AND THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY TO CONTINUE THEIR WORK ON THE LONG TERM LIVING INITIATIVE," was deferred until Wednesday, April 23, 2008.

Hse. Com. No. 765, returning S.C.R. No. 115, S.D. 1, which was adopted by the House of Representatives on April 21, 2008, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 115, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A PILOT PROJECT TO ALLOW A SCHOOL COMPLEX TO IDENTIFY CRITICAL DEPARTMENT RULES AND POLICIES THAT IMPEDE EFFECTIVE DECISION-MAKING, ADMINISTERING, AND TEACHING AND TO OPERATE FREE OF THOSE RULES AND POLICIES," was deferred until Wednesday, April 23, 2008.

Hse. Com. No. 766, returning S.C.R. No. 118, S.D. 1, which was adopted by the House of Representatives on April 21, 2008, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 118, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION IMPROVING THE COMMUNITY'S UNDERSTANDING OF THE DEPARTMENT OF EDUCATION'S PROGRAMS AND SCHOOL EXPENSES INCLUDING A COMPARISON WITH OTHER STATES ON ADEQUACY OF FUNDS," was deferred until Wednesday, April 23, 2008.

Hse. Com. No. 767, returning S.C.R. No. 124, S.D. 1, which was adopted by the House of Representatives on April 21, 2008, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 124, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF HUMAN SERVICES MEDICAID-SPONSORED PROGRAMS," was deferred until Wednesday, April 23, 2008.

Hse. Com. No. 768, returning S.C.R. No. 134, S.D. 2, which was adopted by the House of Representatives on April 21, 2008, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 134, S.D. 2, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH TO 'BUY LOCAL' AND TO IMPLEMENT AND DEVELOP FOOD WARE AND FOOD WASTE RECYCLING PROGRAMS TO ENCOURAGE SUSTAINABILITY," was deferred until Wednesday, April 23, 2008.

Hse. Com. No. 769, returning S.C.R. No. 210, which was adopted by the House of Representatives on April 21, 2008, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 210, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE ACTION OF THE BOARD OF LAND AND NATURAL RESOURCES RELATING TO A LAND EXCHANGE," was deferred until Wednesday, April 23, 2008.

Hse. Com. No. 770, returning S.C.R. No. 4, which was adopted by the House of Representatives on April 21, 2008, was placed on file.

Hse. Com. No. 771, returning S.C.R. No. 77, S.D. 1, which was adopted by the House of Representatives on April 21, 2008, was placed on file.

Hse. Com. No. 772, returning S.C.R. No. 88, S.D. 1, which was adopted by the House of Representatives on April 21, 2008, was placed on file.

Hse. Com. No. 773, returning S.C.R. No. 222, which was adopted by the House of Representatives on April 21, 2008, was placed on file.

Hse. Com. No. 774, returning S.C.R. No. 67, S.D. 1, which was adopted by the House of Representatives on April 21, 2008, was placed on file.

Hse. Com. No. 775, returning S.C.R. No. 72, S.D. 1, which was adopted by the House of Representatives on April 21, 2008, was placed on file.

Hse. Com. No. 776, returning S.C.R. No. 74, S.D. 1, which was adopted by the House of Representatives on April 21, 2008, was placed on file.

Hse. Com. No. 777, returning S.C.R. No. 83, S.D. 1, which was adopted by the House of Representatives on April 21, 2008, was placed on file.

Hse. Com. No. 778, returning S.C.R. No. 94, which was adopted by the House of Representatives on April 21, 2008, was placed on file.

Hse. Com. No. 779, returning S.C.R. No. 102, S.D. 1, which was adopted by the House of Representatives on April 21, 2008, was placed on file.

Hse. Com. No. 780, returning S.C.R. No. 111, which was adopted by the House of Representatives on April 21, 2008, was placed on file.

Hse. Com. No. 781, returning S.C.R. No. 114, S.D. 1, which was adopted by the House of Representatives on April 21, 2008, was placed on file.

Hse. Com. No. 782, returning S.C.R. No. 120, which was adopted by the House of Representatives on April 21, 2008, was placed on file.

Hse. Com. No. 783, returning S.C.R. No. 125, S.D. 1, which was adopted by the House of Representatives on April 21, 2008, was placed on file.

Hse. Com. No. 784, returning S.C.R. No. 158, S.D. 1, which was adopted by the House of Representatives on April 21, 2008, was placed on file.

Hse. Com. No. 785, returning S.C.R. No. 180, which was adopted by the House of Representatives on April 21, 2008, was placed on file.

Hse. Com. No. 786, returning S.C.R. No. 8, which was adopted by the House of Representatives on April 21, 2008, was placed on file.

Hse. Com. No. 787, returning S.B. No. 966, which passed Third Reading in the House of Representatives on April 21, 2008, was placed on file.

By unanimous consent, S.B. No. 966 was placed on the calendar for Final Reading on Wednesday, April 23, 2008.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 236) was read by the Clerk and was deferred until Wednesday, April 23, 2008:

Senate Concurrent Resolution

S.C.R. No. 236 "SENATE CONCURRENT RESOLUTION CALLING FOR A JOINT SESSION OF THE LEGISLATURE FOR THE PURPOSE OF APPOINTING THE AUDITOR, THE DIRECTOR OF THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN."

Offered by: Senator Hanabusa.

CONFERENCE COMMITTEE REPORTS

Senator Kokubun, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2454, S.D. 1, H.D. 1, presented a report (Conf. Com. Rep. No. 3-08) recommending that S.B. No. 2454, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 3-08 and S.B. No. 2454, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2464, H.D. 1, presented a report (Conf. Com. Rep. No. 4-08) recommending that S.B. No. 2464, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 4-08 and S.B. No. 2464, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE MAMMAL," was deferred for a period of 48 hours.

Senator Kokubun, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3030, S.D. 2, H.D. 2, presented a report (Conf. Com. Rep. No. 5-08) recommending that S.B. No. 3030, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 5-08 and S.B. No. 3030, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MIXED MARTIAL ARTS," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3624) recommending that the Senate advise and consent to the nomination of MARC EDWIN VENTURA AIA to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, in accordance with Gov. Msg. No. 307.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3624 and Gov. Msg. No. 307 was deferred until Wednesday, April 23, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3625) recommending that the Senate advise and consent to the nomination of BENJAMIN K. WAIOLAMA to the Motor Vehicle Repair Industry Board, in accordance with Gov. Msg. No. 312.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3625 and Gov. Msg. No. 312 was deferred until Wednesday, April 23, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3626) recommending that the Senate advise and consent to the nomination of PATRICK W. SOUZA to the Board of Private Detectives and Guards, in accordance with Gov. Msg. No. 321.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3626 and Gov. Msg. No. 321 was deferred until Wednesday, April 23, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3627) recommending that the Senate advise and consent to the nomination of GUY M. AKASAKI to the Contractors License Board, in accordance with Gov. Msg. No. 511.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3627 and Gov. Msg. No. 511 was deferred until Wednesday, April 23, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3628) recommending that the Senate advise and consent to the nomination of THOMAS T.

UENO CPA to the State Board of Public Accountancy, in accordance with Gov. Msg. No. 562.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3628 and Gov. Msg. No. 562 was deferred until Wednesday, April 23, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3629) recommending that the Senate advise and consent to the nomination of LAN REISO YONEDA to the Board of Certification of Public Water System Operators, in accordance with Gov. Msg. No. 546.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3629 and Gov. Msg. No. 546 was deferred until Wednesday, April 23, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3630) recommending that the Senate advise and consent to the nomination of EMI ISAKI PHD to the Board of Speech Pathology and Audiology, in accordance with Gov. Msg. No. 539.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3630 and Gov. Msg. No. 539 was deferred until Wednesday, April 23, 2008.

Senator Tokuda, for the Committee on Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3631) recommending that the Senate advise and consent to the nomination of ROY S. HELBUSH to the Island Burial Council, Island of Hawai'i, in accordance with Gov. Msg. No. 270.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3631 and Gov. Msg. No. 270 was deferred until Wednesday, April 23, 2008.

Senator Tokuda, for the Committee on Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3632) recommending that the Senate advise and consent to the nomination of WILLIAM C. FRAMPTON to the Island Burial Council, Islands of Maui and Lanai, in accordance with Gov. Msg. No. 560.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3632 and Gov. Msg. No. 560 was deferred until Wednesday, April 23, 2008.

Senator Tokuda, for the Committee on Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3633) recommending that the Senate advise and consent to the nomination of AMBER NAMAKA WHITEHEAD to the Kaho'olawe Island Reserve Commission, in accordance with Gov. Msg. No. 561.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3633 and Gov. Msg. No. 561 was deferred until Wednesday, April 23, 2008.

Senators Sakamoto, Tokuda and Espero, for the Committee on Education, the Committee on Agriculture and Hawaiian Affairs and the Committee on Public Safety, presented a joint report (Stand. Com. Rep. No. 3634) recommending that H.C.R. No. 260, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3634 and H.C.R. No. 260, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COLLEGE OF AGRICULTURE, FORESTRY, AND NATURAL RESOURCE MANAGEMENT AT THE UNIVERSITY OF HAWAII AT HILO, IN COLLABORATION WITH THE DEPARTMENT OF AGRICULTURE AND HAWAII COMMUNITY COLLEGE, TO CONDUCT A STUDY ON THE PROGRAMS

DEVELOPED BY THE KULANI CORRECTIONAL FACILITY THAT WOULD AID IN THE REVITALIZATION OF STATE AGRICULTURE,” was deferred until Wednesday, April 23, 2008.

Senators Sakamoto and Chun Oakland, for the Committee on Education and the Committee on Human Services and Public Housing, presented a joint report (Stand. Com. Rep. No. 3635) recommending that H.C.R. No. 314, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3635 and H.C.R. No. 314, entitled: “HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO ESTABLISH AND ADMINISTER A REHABILITATIVE AND RELATED SERVICES GRADUATE SCHOOL LOAN PROGRAM WITHIN ITS CENTER ON DISABILITY STUDIES,” was deferred until Wednesday, April 23, 2008.

Senators English and Kokubun, for the Committee on Transportation and International Affairs and the Committee on Commerce, Consumer Protection and Affordable Housing, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3636) recommending that H.B. No. 2250, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the majority of the Committees was adopted and H.B. No. 2250, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 23, 2008.

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com. Rep. No. 3637) recommending that the Senate advise and consent to the nomination of JUILE M. E. TAOMIA to the Hawai'i Historic Places Review Board, in accordance with Gov. Msg. No. 570.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3637 and Gov. Msg. No. 570 was deferred until Wednesday, April 23, 2008.

Senator Menor, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3638) recommending that the Senate advise and consent to the nomination of KATHERINE PUANA KEALOHA as the Director for the Office of Environmental Quality Control, in accordance with Gov. Msg. No. 434.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3638 and Gov. Msg. No. 434 was deferred until Wednesday, April 23, 2008.

Senator Menor, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3639) recommending that the Senate advise and consent to the nominations to the Environmental Council of the following:

ALVIN L. CHAR, in accordance with Gov. Msg. No. 579;

SUSAN T. MATSUSHIMA, in accordance with Gov. Msg. No. 580;

JOHN A. RICHARDS, in accordance with Gov. Msg. No. 581; and

GILL GILLIES BERGER, in accordance with Gov. Msg. No. 612.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3639 and Gov. Msg. Nos. 579, 580, 581 and 612 was deferred until Wednesday, April 23, 2008.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3607 (Gov. Msg. Nos. 544 and 545):

Senator Kokubun moved that Stand. Com. Rep. No. 3607 be received and placed on file, seconded by Senator Ige and carried.

Senator Kokubun then moved that the Senate advise and consent to the nominations to the Board of Certification of Public Water System Operators of the following:

ROBERT S. SPETICH PE, term to expire June 30, 2012 (Gov. Msg. No. 544); and

JODI M. YAMAMI, term to expire June 30, 2012 (Gov. Msg. No. 545),

seconded by Senator Ige.

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

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Menor).

Stand. Com. Rep. No. 3608 (Gov. Msg. No. 605):

Senator Espero moved that Stand. Com. Rep. No. 3608 be received and placed on file, seconded by Senator Baker and carried.

Senator Espero then moved that the Senate advise and consent to the nomination of DAVID STANLEY DE LUZ JR. to the Small Business Regulatory Review Board, term to expire June 30, 2012, seconded by Senator Baker.

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

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Menor).

Stand. Com. Rep. No. 3609 (Gov. Msg. No. 327):

Senator Espero moved that Stand. Com. Rep. No. 3609 be received and placed on file, seconded by Senator Baker and carried.

Senator Espero then moved that the Senate advise and consent to the nomination of SANDRA ALBANO to the State Foundation on Culture and the Arts Commission, term to expire June 30, 2012, seconded by Senator Baker.

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

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Menor).

Stand. Com. Rep. No. 3610 (Gov. Msg. No. 467):

Senator Espero moved that Stand. Com. Rep. No. 3610 be received and placed on file, seconded by Senator Baker and carried.

Senator Espero then moved that the Senate advise and consent to the nomination of CHARLES DAVID BOOTH to the Board of Directors of the High Technology Development Corporation, term to expire June 30, 2009, seconded by Senator Baker.

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

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Menor).

Stand. Com. Rep. No. 3611 (Gov. Msg. No. 583):

Senator Chun Oakland moved that Stand. Com. Rep. No. 3611 be received and placed on file, seconded by Senator Ihara and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nomination of CYNTHIA CLINE to the State Rehabilitation Council, term to expire June 30, 2011, seconded by Senator Ihara.

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

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Menor).

Stand. Com. Rep. No. 3612 (Gov. Msg. No. 354):

Senator Chun Oakland moved that Stand. Com. Rep. No. 3612 be received and placed on file, seconded by Senator Ihara and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nomination of TRAVIS O. THOMPSON to the Board of Directors of the Hawai'i Public Housing Authority (PHA), term to expire June 30, 2012, seconded by Senator Ihara.

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

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Menor).

Stand. Com. Rep. No. 3613 (Gov. Msg. Nos. 356, 357, 358, 359, 360, 361, 477 and 514):

Senator Ige moved that Stand. Com. Rep. No. 3613 be received and placed on file, seconded by Senator Baker and carried.

Senator Ige then moved that the Senate advise and consent to the nominations to the State Council on Developmental Disabilities of the following:

DAVID F. FRAY, term to expire June 30, 2012 (Gov. Msg. No. 356);

PATRICIA L. HEU MD, term to expire June 30, 2012 (Gov. Msg. No. 357);

EVAN A.R. MURAKAMI, term to expire June 30, 2012 (Gov. Msg. No. 358);

PATRICIA A. NISHIMOTO, term to expire June 30, 2012 (Gov. Msg. No. 359);

LIZ ANN K. SALVADOR, term to expire June 30, 2012 (Gov. Msg. No. 360);

MICHAEL D. TADA, term to expire June 30, 2012 (Gov. Msg. No. 361);

MARK F. ROMOSER, term to expire June 30, 2012 (Gov. Msg. No. 477); and

SHERYL A. NELSON, term to expire June 30, 2012 (Gov. Msg. No. 514),

seconded by Senator Baker.

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

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Menor).

Stand. Com. Rep. No. 3614 (Gov. Msg. Nos. 385 and 386):

Senator Ige moved that Stand. Com. Rep. No. 3614 be received and placed on file, seconded by Senator Baker and carried.

Senator Ige then moved that the Senate advise and consent to the nominations to the Mental Health and Substance Abuse, Oahu Service Area Board of the following:

SHIRLEY JEAN DAVENPORT, term to expire June 30, 2011 (Gov. Msg. No. 385); and

GORDON MICHAEL DURANT, term to expire June 30, 2012 (Gov. Msg. No. 386),

seconded by Senator Baker.

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

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Menor).

Stand. Com. Rep. No. 3615 (Gov. Msg. Nos. 362, 363, 364 and 478):

Senator Ige moved that Stand. Com. Rep. No. 3615 be received and placed on file, seconded by Senator Baker and carried.

Senator Ige then moved that the Senate advise and consent to the nominations to the Policy Advisory Board for Elder Affairs of the following:

SANDRA S. RONGITSCH, term to expire June 30, 2012 (Gov. Msg. No. 362);

RUTH H. STEPULIS RN, term to expire June 30, 2012 (Gov. Msg. No. 363);

DIANE M. STOWELL, term to expire June 30, 2012 (Gov. Msg. No. 364); and

ROSEMARIE M. PROTACIO, term to expire June 30, 2012 (Gov. Msg. No. 478),

seconded by Senator Baker.

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

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Menor).

Stand. Com. Rep. No. 3616 (Gov. Msg. Nos. 387, 388, 389, 390, 391, 392, 393, 394 and 395):

Senator Ige moved that Stand. Com. Rep. No. 3616 be received and placed on file, seconded by Senator Baker and carried.

Senator Ige then moved that the Senate advise and consent to the nominations to the State Council on Mental Health of the following:

BELINDA A. ANDERSON, term to expire June 30, 2012 (Gov. Msg. No. 387);

ALAN BUFFENSTEIN MD, term to expire June 30, 2012 (Gov. Msg. No. 388);

ARTHUR THOMAS CABATBAT, term to expire June 30, 2010 (Gov. Msg. No. 389);

LIESJE CATTANEO, term to expire June 30, 2012 (Gov. Msg. No. 390);

RANDOLPH C. HACK, term to expire June 30, 2012 (Gov. Msg. No. 391);

DONNA DARLENE HANSEN, term to expire June 30, 2012 (Gov. Msg. No. 392);

KUULEI A. KILIONA, term to expire June 30, 2012 (Gov. Msg. No. 393);

CANDACE M. SANDAL, term to expire June 30, 2012 (Gov. Msg. No. 394); and

G. NOELANI WILCOX, term to expire June 30, 2012 (Gov. Msg. No. 395),

seconded by Senator Baker.

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

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Menor).

Stand. Com. Rep. No. 3617 (Gov. Msg. Nos. 515, 516, 517 and 518):

Senator Ige moved that Stand. Com. Rep. No. 3617 be received and placed on file, seconded by Senator Baker and carried.

Senator Ige then moved that the Senate advise and consent to the nominations to the Disability and Communication Access Board of the following:

ED CHEVY, term to expire June 30, 2011 (Gov. Msg. No. 515);

PETER L. FRITZ, term to expire June 30, 2009 (Gov. Msg. No. 516);

ANN CHINEN ITO, term to expire June 30, 2010 (Gov. Msg. No. 517); and

LANCE KANESHIRO, term to expire June 30, 2011 (Gov. Msg. No. 518),

seconded by Senator Baker.

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

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Menor).

RECONSIDERATION OF ACTIONS TAKEN

S.C.R. No. 52 (H.D. 2):

Senator English moved that the Senate reconsider its action taken on April 18, 2008, in disagreeing to the amendments proposed by the House to S.C.R. No. 52, seconded by Senator Gabbard and carried.

At 11:45 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:46 a.m.

Senator English moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 52, seconded by Senator Gabbard.

Senator English rose to speak in support of the measure as follows:

“Yes, regarding S.C.R. No. 52, the House took out a provision requesting the Tourism Authority to set up trade missions and that’s fine with us.

“And the other, S.C.R. No. 53, they added the President of Taiwan into the reso. And that’s also okay with us.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 52, and S.C.R. No. 52, H.D. 2, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO WORK WITH THE SECRETARY OF HOMELAND SECURITY TO EXPAND THE VISA WAIVER PROGRAM TO INCLUDE TAIWAN,” was placed on the calendar for Final Adoption on Wednesday, April 23, 2008.

S.C.R. No. 53, S.D. 1 (H.D. 1):

Senator English moved that the Senate reconsider its action taken on April 16, 2008, in disagreeing to the amendments

proposed by the House to S.C.R. No. 53, S.D. 1, seconded by Senator Gabbard and carried.

Senator English moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 53, S.D. 1, seconded by Senator Gabbard.

Senator English rose to speak in support of the measure as follows:

“Yes, regarding S.C.R. No. 52, the House took out a provision requesting the Tourism Authority to set up trade missions and that’s fine with us.

“And the other, S.C.R. No. 53, they added the President of Taiwan into the reso. And that’s also okay with us.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 53, S.D. 1, and S.C.R. No. 53, S.D. 1, H.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES TO ENTER INTO A FREE TRADE AGREEMENT WITH TAIWAN,” was placed on the calendar for Final Adoption on Wednesday, April 23, 2008.

Senator Hee, Chair of the Committee on Water and Land, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following resolutions:

H.C.R. No. 112;
H.C.R. No. 258; and
H.C.R. No. 348.

Senator Hee noted:

“Madam President, the reason for this is, yesterday I inadvertently forgot to give notice of a public decision making.”

The Chair granted the waiver.

RE-REFERRAL OF A HOUSE CONCURRENT RESOLUTION

The Chair re-referred the following House concurrent resolution that was received:

House
Concurrent
Resolution

Referred to:

H.C.R. No. 358, H.D. 1 Committee on Tourism and Government Operations

APPOINTMENT AND DISCHARGE OF CONFEREES

S.B. No. 2365, S.D. 1 (H.D. 1):

The President discharged Senator Hooser as a co-chair and Senator Menor as a member and appointed him as a co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2365, S.D. 1.

H.B. No. 3377 (S.D. 2):

The President discharged Senator English as chair and appointed him as a member and appointed Senator Gabbard as chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 3377.

ADJOURNMENT

At 11:48 a.m., on motion by Senator Ige, seconded by Senator Whalen and carried, the Senate adjourned until 11:30 a.m., Wednesday, April 23, 2008.