

FIFTY-SIXTH DAY

Wednesday, April 23, 2008

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2008, convened at 11:38 a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Irene Matsumoto, Palolo Kwannon Temple, after which the Roll was called showing all Senators present.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 648 to 661) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 648, informing the Senate that on April 22, 2008, she signed into law House Bill No. 2165 as Act 23, entitled: "RELATING TO NURSING," was placed on file.

Gov. Msg. No. 649, informing the Senate that on April 22, 2008, she signed into law House Bill No. 2441 as Act 24, entitled: "RELATING TO WORKERS' COMPENSATION," was placed on file.

Gov. Msg. No. 650, informing the Senate that on April 22, 2008, she signed into law House Bill No. 647 as Act 25, entitled: "RELATING TO ENERGY," was placed on file.

Gov. Msg. No. 651, informing the Senate that on April 22, 2008, she signed into law House Bill No. 2523 as Act 26, entitled: "RELATING TO THE LAND USE COMMISSION," was placed on file.

Gov. Msg. No. 652, informing the Senate that on April 22, 2008, she signed into law House Bill No. 2696 as Act 27, entitled: "RELATING TO THE BOARD OF THE JUDICIARY HISTORY CENTER," was placed on file.

Gov. Msg. No. 653, informing the Senate that on April 22, 2008, she signed into law Senate Bill No. 2401 as Act 28, entitled: "RELATING TO CONDOMINIUMS: MAKING VARIOUS TECHNICAL AMENDMENTS TO THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, AND CLARIFYING LANGUAGE," was placed on file.

Gov. Msg. No. 654, informing the Senate that on April 22, 2008, she signed into law Senate Bill No. 3068 as Act 29, entitled: "MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE ADULT MENTAL HEALTH DIVISION," was placed on file.

Gov. Msg. No. 655, informing the Senate that on April 22, 2008, she signed into law House Bill No. 3161 as Act 30, entitled: "MAKING AN EMERGENCY APPROPRIATION TO THE HAWAII HEALTH SYSTEMS CORPORATION," was placed on file.

Senator Hooser, requested a waiver of the notice requirement pursuant to Senate Rule 37(2) for the following governor messages:

Gov. Msg. No. 656;
Gov. Msg. No. 657; and
Gov. Msg. No. 658.

Senator Hooser noted:

"Madam President and members, Senate Rule 37(2) provides that appointments made by the Governor which are received by the Senate after the forty-first day of the session of the Legislature shall be returned to the Governor without action, unless a confirmation or consent is required to further a public purpose which cannot be satisfied by an interim appointment. I am requesting a waiver so that the Governor's nominees can be considered by the appropriate subject matter committee and the Senate before we adjourn next week."

The Chair granted the waiver.

Gov. Msg. No. 656, submitting for consideration and confirmation to the Board of Regents of the University of Hawaii, the nomination of JOSHUA J. WINGSTROM, term to expire June 30, 2009, was referred to the Committee on Education.

Gov. Msg. No. 657, submitting for consideration and confirmation to the Board of Regents of the University of Hawaii, the nomination of HOWARD H. KARR, term to expire June 30, 2011, was referred to the Committee on Education.

Gov. Msg. No. 658, submitting for consideration and confirmation to the Board of Regents of the University of Hawaii, the nomination of DENNIS I. HIROTA PHD, PE, LPLS, term to expire June 30, 2012, was referred to the Committee on Education.

Gov. Msg. No. 659, advising the Senate of the withdrawal of the nomination of KWANG CHAI to the Board of Acupuncture, under Gov. Msg. No. 295, dated February 5, 2008, was placed on file.

In compliance with Gov. Msg. No. 659, the nomination listed under Gov. Msg. No. 295 was returned.

Gov. Msg. No. 660, dated April 22, 2008, transmitting her statement of objections to Senate Bill No. 868 which she has returned to the Senate without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

April 22, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 868

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, Senate Bill No. 868, entitled 'A Bill for an Act Relating to Boards and Commissions.'

The purpose of this bill is to expressly except communications to state boards and commissions initiated by the Legislature and its committees from the requirement in section 26-35(a)(1), Hawaii Revised Statutes, that boards and commissions communicate with the Governor and the Legislature only through the head of the department to which the board or commission is administratively attached.

I believe communication between persons at all levels of the legislative and executive branches is vital to our ability to fulfill the responsibilities each of us is assigned by the Constitution and laws of the State.

It is my understanding that individual members of boards and commissions and their staffs testify regularly and respond to

requests from individual members and committees of the Legislature in order to formulate state policy and enact laws to effectuate them. Boards and commissions also take official positions on bills pending before the Legislature and, when doing so, coordinate this testimony through the appropriate department and agency to which they are attached. Inasmuch as the means for the Legislature and executive branch boards and commissions to communicate with each other are already in place and, more importantly, are being used regularly, this bill is not needed.

For the foregoing reasons, I am returning Senate Bill No. 868 without my approval.

Respectfully,

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

was placed on file.

Gov. Msg. No. 661, dated April 22, 2008, transmitting her statement of objections to Senate Bill No. 2898 which she has returned to the Senate without her approval and which reads as follows:

“EXECUTIVE CHAMBERS
HONOLULU

April 22, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2898

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, Senate Bill No. 2898, entitled ‘A Bill for an Act Relating to the Agreement Among the States to Elect the President by National Popular Vote.’

The purpose of this bill is to add a new chapter to the Hawaii Revised Statutes that will cause Hawaii to join an interstate compact or agreement among the member states to award their electoral votes to the national popular vote winner for the office of the President of the United States regardless of the popular vote winner in each member state.

Under this bill, Hawaii’s four electoral votes would be awarded to the presidential slate that receives the most votes as determined by the national popular vote regardless of which candidate won the popular vote in Hawaii. Had this compact been in effect since statehood, in four elections Hawaii’s electoral votes would have gone to a candidate whom the majority of voters in Hawaii did not want--Richard Nixon rather than Hubert Humphrey in 1968, Ronald Reagan rather than Jimmy Carter in 1980; George Bush rather than Michael Dukakis in 1988, and George W. Bush rather than John Kerry in 2004.

Given the potential under the interstate compact that Hawaii’s electoral votes would be awarded in a manner that does not reflect the will of the majority of the voters in Hawaii, this bill would disenfranchise Hawaii’s voters and is not in the best interest of the citizens of the State of Hawaii.

For the foregoing reason, I am returning Senate Bill No. 2898 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE

Governor of Hawaii,”

was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 788 to 792) were read by the Clerk and were placed on file:

Hse. Com. No. 788, informing the Senate that the House has agreed to the amendments proposed by the Senate to the following House bills and said bills passed Final Reading in the House on April 22, 2008:

H.B. No. 2085, H.D. 1, S.D. 2;
H.B. No. 2238, H.D. 1, S.D. 1;
H.B. No. 2460, S.D. 1;
H.B. No. 2675, H.D. 2, S.D. 1;
H.B. No. 2698, H.D. 3, S.D. 1; and
H.B. No. 2894, S.D. 1.

Hse. Com. No. 789, 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. 1402, H.D. 2 (S.D. 2);
H.B. No. 1978, H.D. 1 (S.D. 1);
H.B. No. 2009 (S.D. 1);
H.B. No. 3140 (S.D. 2); and
H.B. No. 3197 (S.D. 1).

Hse. Com. No. 790, informing the Senate that the amendments proposed by the Senate to the following House concurrent resolutions were agreed to by the House and said resolutions were finally adopted in the House of Representatives on April 22, 2008:

H.C.R. No. 116, S.D. 1;
H.C.R. No. 126, H.D. 1, S.D. 1;
H.C.R. No. 147, H.D. 1, S.D. 1;
H.C.R. No. 312, S.D. 1; and
H.C.R. No. 347, S.D. 1.

Hse. Com. No. 791, returning S.C.R. No. 200, S.D. 1, which was adopted by the House of Representatives on April 22, 2008.

Hse. Com. No. 792, informing the Senate that the Speaker on April 22, 2008, made the following changes to the conferees on the following bill:

S.B. No. 2997, S.D. 1 (H.D. 1):

Discharged all House conferees.

CONFERENCE COMMITTEE REPORTS

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2245, S.D. 1, H.D. 2, presented a report (Conf. Com. Rep. No. 6-08) recommending that S.B. No. 2245, S.D. 1, 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. 6-08 and S.B. No. 2245, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO UNATTENDED CHILDREN IN MOTOR VEHICLES,” was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2146, S.D. 2, H.D. 1, presented a report (Conf. Com. Rep. No. 7-08) recommending that S.B. No. 2146, S.D. 2, 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. 7-08 and S.B. No. 2146, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CENTER FOR NURSING," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2170, S.D. 1, H.D. 1, presented a report (Conf. Com. Rep. No. 8-08) recommending that S.B. No. 2170, 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. 8-08 and S.B. No. 2170, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND," 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. 3008, S.D. 2, H.D. 1, presented a report (Conf. Com. Rep. No. 9-08) recommending that S.B. No. 3008, S.D. 2, 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. 9-08 and S.B. No. 3008, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," 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. 3023, S.D. 2, H.D. 2, presented a report (Conf. Com. Rep. No. 10-08) recommending that S.B. No. 3023, 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. 10-08 and S.B. No. 3023, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2511, H.D. 1, S.D. 2, presented a report (Conf. Com. Rep. No. 51-08) recommending that H.B. No. 2511, H.D. 1, S.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. 51-08 and H.B. No. 2511, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL ASSISTANCE," was deferred for a period of 48 hours.

Senator Kokubun, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3331, H.D. 2, S.D. 2, presented a report (Conf. Com. Rep. No. 52-08) recommending that H.B. No. 3331, H.D. 2, S.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. 52-08 and H.B. No. 3331, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2810, H.D. 1, S.D. 1, presented a report (Conf. Com. Rep. No. 53-08) recommending that H.B. No. 2810, H.D. 1, S.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. 53-08

and H.B. No. 2810, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER RATES," 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. 3640) recommending that H.C.R. No. 125, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3640 and H.C.R. No. 125, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO EXAMINE UPCOMING CONDOMINIUM LEASEHOLD EXPIRATIONS AND THEIR IMPACT ON THE AVAILABILITY OF REPLACEMENT AND AFFORDABLE HOUSING FOR HAWAII RESIDENTS," was deferred until Thursday, April 24, 2008.

Senators Sakamoto and Tokuda, for the Committee on Education and the Committee on Agriculture and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 3641) recommending that H.C.R. No. 357, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3641 and H.C.R. No. 357, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES TO STUDY THE FEASIBILITY OF CONSTRUCTING A MULTIPURPOSE, MULTI-USER PROCESSING FACILITY ON THE LAND IN THE EWA, CENTRAL OAHU AREA BEING OFFERED TO THE HAWAII AGRICULTURE RESEARCH CENTER, FOR THE PRODUCTION OF VALUE-ADDED PRODUCTS THAT MAKE USE OF LOCALLY-GROWN AGRICULTURAL PRODUCTS," was deferred until Thursday, April 24, 2008.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 3642), recommending that H.C.R. No. 150, H.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.C.R. No. 150, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE ESTABLISHMENT OF A COMPREHENSIVE VOCATIONAL REHABILITATION CENTER FOR DEAF AND HARD OF HEARING INDIVIDUALS," was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 3643), recommending that H.C.R. No. 172, be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.C.R. No. 172, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND FINANCIAL AUDIT OF THE HAWAII PUBLIC HOUSING AUTHORITY'S PUNCHBOWL HOMES FACILITY," was referred to the Committee on Ways and Means.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3644) recommending that the Senate advise and consent to the nomination of RANDALL W. MACK to the Board of Private Detectives and Guards, in accordance with Gov. Msg. No. 320.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3644 and Gov. Msg. No. 320 was deferred until Thursday, April 24, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3645) recommending that the Senate advise and consent to the nomination of GWEN S. LAU to the Credit Union Advisory Board, in accordance with Gov. Msg. No. 513.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3645 and Gov. Msg. No. 513 was deferred until Thursday, April 24, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3646) recommending that the Senate advise and consent to the nomination of JAMES K. HIRAKAWA to the Motor Vehicle Repair Industry Board, in accordance with Gov. Msg. No. 531.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3646 and Gov. Msg. No. 531 was deferred until Thursday, April 24, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3647) recommending that the Senate advise and consent to the nomination of ANNE MARIE HORNER to the Board of Speech Pathology and Audiology, in accordance with Gov. Msg. No. 538.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3647 and Gov. Msg. No. 538 was deferred until Thursday, April 24, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3648) recommending that the Senate advise and consent to the nomination of JUNE J. TAKANO to the State Board of Barbering and Cosmetology, in accordance with Gov. Msg. No. 563.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3648 and Gov. Msg. No. 563 was deferred until Thursday, April 24, 2008.

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com. Rep. No. 3649) recommending that the Senate advise and consent to the nomination of ERIC NORIO YAMA to the Board of Taxation Review, 4th Taxation District (Kaua'i), in accordance with Gov. Msg. No. 571.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3649 and Gov. Msg. No. 571 was deferred until Thursday, April 24, 2008.

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com. Rep. No. 3650) recommending that the Senate advise and consent to the nomination of PETER M. TADAKI to the Board of Taxation Review, 3rd Taxation District (Hawai'i), in accordance with Gov. Msg. No. 606.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3650 and Gov. Msg. No. 606 was deferred until Thursday, April 24, 2008.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3651) recommending that the Senate advise and consent to the nominations to the Hawai'i Teacher Standards Board of the following:

TERRY L. HOLCK, in accordance with Gov. Msg. No. 577; and

JANICE Y. SHISHIDO, in accordance with Gov. Msg. No. 578.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3651 and Gov. Msg. Nos. 577 and 578 was deferred until Thursday, April 24, 2008.

ORDER OF THE DAY

AGREE/DISAGREE

MATTERS DEFERRED FROM TUESDAY, APRIL 22, 2008

S.C.R. No. 33, S.D. 1 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 33, S.D. 1, and requested a conference on the subject matter thereof.

S.C.R. No. 124, S.D. 1 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 124, S.D. 1, and requested a conference on the subject matter thereof.

S.C.R. No. 210 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 210, and requested a conference on the subject matter thereof.

S.C.R. No. 115, S.D. 1 (H.D. 1):

On motion by Senator Sakamoto, seconded by Senator Tokuda and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 115, S.D. 1, and 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 placed on the calendar for Final Adoption on Thursday, April 24, 2008.

S.C.R. No. 118, S.D. 1 (H.D. 1):

On motion by Senator Sakamoto, seconded by Senator Tokuda and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 118, S.D. 1, and 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 placed on the calendar for Final Adoption on Thursday, April 24, 2008.

S.C.R. No. 134, S.D. 2 (H.D. 1):

On motion by Senator Sakamoto, seconded by Senator Tokuda and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 134, S.D. 2, and 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

placed on the calendar for Final Adoption on Thursday, April 24, 2008.

ADVISE AND CONSENT

Stand. Com. Rep. No. 3624 (Gov. Msg. No. 307):

Senator Kokubun moved that Stand. Com. Rep. No. 3624 be received and placed on file, seconded by Senator Ige and carried.

Senator Kokubun then moved 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, term to expire June 30, 2012, seconded by Senator Ige.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3625 (Gov. Msg. No. 312):

Senator Kokubun moved that Stand. Com. Rep. No. 3625 be received and placed on file, seconded by Senator Ige and carried.

Senator Kokubun then moved that the Senate advise and consent to the nomination of BENJAMIN K. WAIOLAMA to the Motor Vehicle Repair Industry Board, term to expire June 30, 2012, seconded by Senator Ige.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3626 (Gov. Msg. No. 321):

Senator Kokubun moved that Stand. Com. Rep. No. 3626 be received and placed on file, seconded by Senator Ige and carried.

Senator Kokubun then moved that the Senate advise and consent to the nomination of PATRICK W. SOUZA to the Board of Private Detectives and Guards, term to expire June 30, 2012, seconded by Senator Ige.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3627 (Gov. Msg. No. 511):

Senator Kokubun moved that Stand. Com. Rep. No. 3627 be received and placed on file, seconded by Senator Ige and carried.

Senator Kokubun then moved that the Senate advise and consent to the nomination of GUY M. AKASAKI to the Contractors License Board, term to expire June 30, 2012, seconded by Senator Ige.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3628 (Gov. Msg. No. 562):

Senator Kokubun moved that Stand. Com. Rep. No. 3628 be received and placed on file, seconded by Senator Ige and carried.

Senator Kokubun then moved that the Senate advise and consent to the nomination of THOMAS T. UENO CPA to the State Board of Public Accountancy, term to expire June 30, 2012, seconded by Senator Ige.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3629 (Gov. Msg. No. 546):

Senator Kokubun moved that Stand. Com. Rep. No. 3629 be received and placed on file, seconded by Senator Ige and carried.

Senator Kokubun then moved that the Senate advise and consent to the nomination of LAN REISO YONEDA to the Board of Certification of Public Water System Operators, term to expire June 30, 2011, seconded by Senator Ige.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3630 (Gov. Msg. No. 539):

Senator Kokubun moved that Stand. Com. Rep. No. 3630 be received and placed on file, seconded by Senator Ige and carried.

Senator Kokubun then moved that the Senate advise and consent to the nomination of EMI ISAKI PHD to the Board of Speech Pathology and Audiology, term to expire June 30, 2011, seconded by Senator Ige.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3631 (Gov. Msg. No. 270):

Senator Tokuda moved that Stand. Com. Rep. No. 3631 be received and placed on file, seconded by Senator English and carried.

Senator Tokuda then moved that the Senate advise and consent to the nomination of ROY S. HELBUSH to the Island Burial Council, Island of Hawai'i, term to expire June 30, 2012, seconded by Senator English.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3632 (Gov. Msg. No. 560):

Senator Tokuda moved that Stand. Com. Rep. No. 3632 be received and placed on file, seconded by Senator English and carried.

Senator Tokuda then moved that the Senate advise and consent to the nomination of WILLIAM C. FRAMPTON to the Island Burial Council, Islands of Maui and Lanai, term to expire June 30, 2012, seconded by Senator English.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3633 (Gov. Msg. No. 561):

Senator Tokuda moved that Stand. Com. Rep. No. 3633 be received and placed on file, seconded by Senator English and carried.

Senator Tokuda then moved that the Senate advise and consent to the nomination of AMBER NAMAKA WHITEHEAD to the Kaho'olawe Island Reserve Commission, term to expire June 30, 2012, seconded by Senator English.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3637 (Gov. Msg. No. 570):

Senator Fukunaga moved that Stand. Com. Rep. No. 3637 be received and placed on file, seconded by Senator Espero and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nomination of JUILE M. E. TAOMIA to the Hawai'i Historic Places Review Board, term to expire June 30, 2010, seconded by Senator Espero.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3638 (Gov. Msg. No. 434):

Senator Menor moved that Stand. Com. Rep. No. 3638 be received and placed on file, seconded by Senator Hooser and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of KATHERINE PUANA KEALOHA as Director for the Office of Environmental Quality Control, term to expire June 30, 2011, seconded by Senator Hooser.

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

"Madam President, I'd like to offer some very brief remarks in support of Gov. Msg. No. 434, submitting for consideration and confirmation as the director for the office of environmental quality control, gubernatorial nominee Katherine Kealoha, for a term to expire June 30, 2011.

"Madam President, I rise in strong support of Ms. Kealoha's nomination to this very important position. She's very eminently qualified to serve as the director. She's worked as a private attorney, she's been an adjunct professor at Chaminade University, and as deputy prosecuting attorney for a number of years she's been the supervising attorney for the environmental crimes unit for that office.

"But most importantly I really strongly support her nomination and I'm compelled, I feel compelled to offer remarks in support because of the fact that, as interim director, she's already demonstrated great leadership abilities and dedication to getting results. More specifically, she's put forward tremendous effort to bring together diverse stakeholders with polarized views. S.B. No. 2808, which would, which attempts to clarify chapter 343, and more specifically to clarify those situations in which environmental impact studies are required, where state and county lands are involved—I'm sure some of my colleagues have already received communications about that particular measure. And as you know, Madam President, having dealt with the Superferry issue, you are aware of the fact that this area of the law can be very controversial. This measure has been so divisive that many individuals urged me to kill the bill. But Ms. Kealoha worked with all sides to forge a compromise bill draft that has drawn consensus support from the diverse stakeholders, including former opponents of the bill. And therefore I am confident at this point in time that this measure stands a good chance of being passed this Session.

"So I strongly support Ms. Kealoha's nomination, not only because of her credentials and qualifications, but I thank her for helping to reduce some of my stress level during conference

deliberations regarding this particular issue. So I respectfully ask my colleagues to join me in supporting her nomination at this time. And Ms. Kealoha is in the gallery to be recognized. Should we do it now? Or after we take the vote, Madam President?

The President replied:

"After we take the vote."

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

Ayes, 25. Noes, none.

At this time, Senator Menor introduced Ms. Kealoha to the members of the Senate.

Stand. Com. Rep. No. 3639 (Gov. Msg. Nos. 579, 580, 581 and 612):

Senator Menor moved that Stand. Com. Rep. No. 3639 be received and placed on file, seconded by Senator Hooser and carried.

Senator Menor then moved that the Senate advise and consent to the nominations to the Environmental Council of the following:

ALVIN L. CHAR, term to expire June 30, 2012 (Gov. Msg. No. 579);

SUSAN T. MATSUSHIMA, term to expire June 30, 2012 (Gov. Msg. No. 580);

JOHN A. RICHARDS, term to expire June 30, 2012 (Gov. Msg. No. 581); and

GILL GILLIES BERGER, term to expire June 30, 2011 (Gov. Msg. No. 612),

seconded by Senator Hooser.

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

Ayes, 25. Noes, none.

FINAL ADOPTION

S.C.R. No. 52, H.D. 2:

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate agreed to the amendments proposed by the House to 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 Finally Adopted.

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

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate agreed to the amendments proposed by the House to 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 Finally Adopted.

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM TUESDAY, APRIL 22, 2008

Stand. Com. Rep. No. 3634 (H.C.R. No. 260, H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted 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 adopted.

Stand. Com. Rep. No. 3635 (H.C.R. No. 314):

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted 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 adopted.

ADOPTION OF RESOLUTION

S.C.R. No. 236:

On motion by Senator Ige, seconded by Senator Whalen and carried, S.C.R. No. 236, entitled: "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," was adopted.

FINAL READING

Conf. Com. Rep. No. 1-08 (S.B. No. 2400, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hee and carried, Conf. Com. Rep. No. 1-08 was adopted and S.B. No. 2400, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DECRIMINALIZATION OF MINOR OFFENSES PURSUANT TO ACT 124, SESSION LAWS OF HAWAII 2005," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Conf. Com. Rep. No. 2-08 (S.B. No. 2784, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Gabbard and carried, Conf. Com. Rep. No. 2-08 was adopted and S.B. No. 2784, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE POWER OF ARREST," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 966:

Senator Taniguchi moved that S.B. No. 966, having been read throughout, pass Final Reading, seconded by Senator Hee.

Senator Trimble rose to speak in opposition to the measure and stated:

"Madam President, I rise in opposition to S.B. No. 966, first because I think it is poor form to put an amendment on the ballot without a discussion on the Floor of our respective Houses telling the people the compelling reasons why the Constitution, our Constitution should be changed. The second

reason is that I think that experience matters and usually experience is acquired by age. In the past thirty years we've seen fit to raise the drinking age, we've seen fit to modify and raise the driving age. Even Social Security has seen fit to raise the age at which you get benefits.

"Anyway, age does matter. And I think that it would be moving in the wrong direction. Thank you."

Senator Kim requested her vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 966, and S.B. No. 966, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 1, OF THE HAWAII CONSTITUTION, TO CHANGE THE AGE QUALIFICATION FOR THE OFFICES OF GOVERNOR AND LIEUTENANT GOVERNOR FROM THE AGE OF THIRTY YEARS TO THE AGE OF TWENTY-FIVE YEARS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Ayes with Reservations, 1 (Kim). Noes, 2 (Hemmings, Trimble).

THIRD READING

H.B. No. 2250, H.D. 1:

Senator Slom rose to speak in opposition to the measure and stated:

"Madam President, I rise in opposition to this bill.

"The bill says that re-regulation is the best thing to solve our problems with interisland air travel. We regulated the milk industry; now we're down to two dairies and we're going to lose them. We regulated gasoline prices, and national and world conditions have dictated that our prices go up almost daily. Regulation of airlines would deny consumers choice, opportunity, the best in service, the best in routes, the best in equipment. There's never been an instance where regulation has solved the problems that we're complaining about now—the loss of Aloha Airlines, the loss of ATA Airlines, and rising prices. Regulation would be the worst possible thing that we can do. It is not an alternative. It is not consumer friendly. It doesn't work.

"This Legislature still, after many years, has not learned the lesson that the marketplace makes the best decisions. Sometimes they are harsh decisions, but they reward productivity, they reward good management, and they do not protect bad management and bad choices. Regulation does. And regulation always—always without exception—results in the highest cost and the least choices for consumers. We are barred from re-regulating our interisland carriers by federal law, and yet we want to devise a scheme to try to get an exemption. It won't help us. It sends the wrong message.

"What we really need to do again, I ask—improve our business and investment climate. Make it so that people want to do business here and they will make the best managerial decisions, which will result in the best choices for our consumers. Thank you, Madam President."

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

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

"Members, this measure simply lays out a what-if statement or if-then statement. If the federal government will allow enabling legislation to permit the states to re-regulate air carriers, then an Air Commission will come into being—Air Carrier Commission to re-regulate the local airlines. So this is

simply putting something back on the books that was there for many years. It lapsed a few years ago.

“And, on a personal note, I have to say that since the federal airline deregulation act of 1978 went into effect, Hawai‘i’s most remote and rural areas lost airline capacity. Hana has no service. Kalaupapa has no service. Kamuela and Upolu has very limited service now—even Princeville on Kaua‘i. So, in certain cases, we have to be cognizant that a degree of regulation does help to stabilize industry. So this is simply setting up an if-Congress-passes-enabling-legislation, then this will go into effect. I ask for the members’ support. Thank you.”

Senator Espero requested his vote be cast “aye, with reservations,” and the Chair so ordered.

On motion by Senator English, seconded by Senator Kokubun and carried, H.B. No. 2250, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Ayes with Reservations, 1 (Espero). Noes, 5 (Hemmings, Inouye, Slom, Trimble, Whalen).

Senator Tokuda, Chair of the Committee on Agriculture and Hawaiian Affairs, requested that the referrals of H.C.R. Nos. 208, 326 and 345 to the Committee on Agriculture and Hawaiian Affairs and the Committee on Energy and Environment be waived.

Senator Tokuda noted:

“Madam President, the reason we’re going to need this waiver is these are very good resolutions but unfortunately we were unable to obtain quorum yesterday and given time constraints, we’d like to request a waiver.”

At 11:58 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:58 a.m.

The Chair then granted the waiver.

By unanimous consent, the following concurrent resolutions were placed on the calendar for Adoption on Thursday, April 24, 2008:

H.C.R. No. 208, entitled: “HOUSE CONCURRENT RESOLUTION SUPPORTING CONGRESSIONAL ACTION TO EXEMPT THE STATE OF HAWAII FROM FEDERAL PREEMPTION PROHIBITING STATE INSPECTION OF PLANTS, PLANT PRODUCTS, AND OTHER BIOLOGICAL ORGANISMS”;

H.C.R. No. 326, H.D. 2, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF AGRICULTURE CONVENE A TASK FORCE TO DEVISE A PLAN WITHIN ONE YEAR TO TIMELY EXPEDITE THE INTRODUCTION AND DELIVERY OF HAWAIIAN CACAO TO THE MARKETPLACE”; and

H.C.R. No. 345, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO TELEVISION THE GENERAL MEETINGS OF THE BOARD OF TRUSTEES OF THE OFFICE OF HAWAIIAN AFFAIRS.”

Senator Menor, Chair of the Committee on Energy and Environment, requested that the referrals of H.C.R. No. 235 to the Committee on Energy and Environment and the Committee on Intergovernmental and Military Affairs be waived.

Senator Menor noted:

“Madam President, this resolution supports federal tax incentives to encourage the use of renewable energy sources. I believe that the resolution has merit; however, given time constraints your committees were not able to afford this important measure a hearing. And so therefore a waiver is necessary to allow full consideration by this entire body.”

At 11:59 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:01 p.m.

The Chair then granted the waiver.

By unanimous consent, the following concurrent resolutions were placed on the calendar for Adoption on Thursday, April 24, 2008:

H.C.R. No. 235, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION SUPPORTING FEDERAL TAX INCENTIVES TO ENCOURAGE THE USE OF RENEWABLE ENERGY SOURCES.”

APPOINTMENT OF CONFEREES

H.B. No. 3407, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3407, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Kokubun, co-chair; Trimble as managers on the part of the Senate at such conference.

ADJOURNMENT

At 12:02 p.m., on motion by Senator Ige, seconded by Senator Whalen and carried, the Senate adjourned until 6:30 p.m., Thursday, April 24, 2008.