

FIFTY-SECOND DAY

Thursday, April 23, 2009

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2009, convened at 11:38 a.m. with the President in the Chair.

The Divine Blessing was invoked by Reverend Ryosho Kokuzo, Waipahu Soto Mission, after which the Roll was called showing all Senators present.

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

MESSAGE FROM THE GOVERNOR

The following message from the Governor (Gov. Msg. No. 624) was read by the Clerk and was placed on file:

Gov. Msg. No. 624, informing the Senate that on April 22, 2009, the Governor signed into law Senate Bill No. 190, S.D. 1, H.D. 2 as Act 13, entitled: "RELATING TO COMMUNITY CARE FOSTER FAMILY HOME."

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 667 to 673) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 667, returning S.C.R. No. 66, S.D. 1, which was adopted by the House of Representatives on April 22, 2009, was placed on file.

Hse. Com. No. 668, returning S.C.R. No. 72, as amended in H.D. 1, which was adopted by the House of Representatives on April 22, 2009, was placed on file.

By unanimous consent, action on S.C.R. No. 72 (H.D. 1), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO COLLABORATE AND SHARE INFORMATION WITH THE DEPARTMENT OF AGRICULTURE TO PREVENT INVASIVE SPECIES FROM ENTERING THE STATE OF HAWAII," was deferred until Friday, April 24, 2009.

Hse. Com. No. 669, returning S.C.R. No. 119, which was adopted by the House of Representatives on April 22, 2009, was placed on file.

Hse. Com. No. 670, informing the Senate that the following bills passed Final Reading in the House of Representatives on April 22, 2009:

H.B. No. 895, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 1175, H.D. 3, S.D. 2, C.D. 1;
H.B. No. 1741, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1747, H.D. 1, S.D. 1, C.D. 1; and
S.B. No. 1111, S.D. 1, H.D. 1, C.D. 1,

was placed on file.

Hse. Com. No. 671, informing the Senate that on April 22, 2009, the House reconsidered its action taken on April 16, 2009, in disagreeing to the amendments proposed by the Senate to H.B. No. 1414, H.D. 1 (S.D. 1), was placed on file.

Hse. Com. No. 672, informing the Senate that on April 22, 2009, the House discharged all conferees to H.B. No. 1059, H.D. 2 (S.D. 1), was placed on file.

Hse. Com. No. 673, informing the Senate that on April 22, 2009, the Speaker appointed conferees on the part of the House

for the consideration of amendments proposed by the Senate to the following House bill:

H.B. No. 1782, H.D. 2 (S.D. 2):

Representatives Yamane, M. Oshiro, co-chairs; Karamatsu, Finnegan,

was placed on file.

CONFERENCE COMMITTEE REPORTS

Senator Kim, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1739, H.D. 1, presented a report (Conf. Com. Rep. No. 5) recommending that H.B. No. 1739, 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 Hawai'i, action on Conf. Com. Rep. No. 5 and H.B. No. 1739, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1468 (Gov. Msg. No. 568):

Senator Baker moved that Stand. Com. Rep. No. 1468 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of NIRAJ S. DESAI to the Hawaii Medical Board, term to expire June 30, 2013, seconded by Senator Ige.

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

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

Stand. Com. Rep. No. 1469 (Gov. Msg. Nos. 570 and 571):

Senator Baker moved that Stand. Com. Rep. No. 1469 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the State Board of Public Accountancy of the following:

MICHAEL CHING, term to expire June 30, 2013 (Gov. Msg. No. 570); and

KENT K. TSUKAMOTO, term to expire June 30, 2013 (Gov. Msg. No. 571),

seconded by Senator Ige.

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

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

Stand. Com. Rep. No. 1470 (Gov. Msg. No. 572):

Senator Baker moved that Stand. Com. Rep. No. 1470 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of WENDY L. MAH to the Board of Veterinary Examiners, term to expire June 30, 2013, seconded by Senator Ige.

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

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

Stand. Com. Rep. No. 1471 (Gov. Msg. No. 566):

Senator Baker moved that Stand. Com. Rep. No. 1471 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of RAYMOND B. SKELTON to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, term to expire June 30, 2013, seconded by Senator Ige.

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

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

Stand. Com. Rep. No. 1472 (Gov. Msg. No. 550):

Senator Baker moved that Stand. Com. Rep. No. 1472 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of MICHAEL P. HAMNETT to the Board of Directors of the Hawai'i Hurricane Relief Fund, term to expire June 30, 2013, seconded by Senator Ige.

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

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

Stand. Com. Rep. No. 1473 (Gov. Msg. Nos. 548 and 549):

Senator Baker moved that Stand. Com. Rep. No. 1473 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Board of Dental Examiners of the following:

WAYNE S. ATEBARA, term to expire June 30, 2012 (Gov. Msg. No. 548); and

ROBERT G. SHERMAN, term to expire June 30, 2013 (Gov. Msg. No. 549),

seconded by Senator Ige.

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

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

Stand. Com. Rep. No. 1474 (Gov. Msg. Nos. 547, 563, 564, and 565):

Senator Baker moved that Stand. Com. Rep. No. 1474 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Contractors License Board of the following:

HAROLD MARTIN, term to expire June 30, 2013 (Gov. Msg. No. 547);

JOHN E.K. DILL, term to expire June 30, 2013 (Gov. Msg. No. 563);

WILLIAM A. KAMAI, term to expire June 30, 2013 (Gov. Msg. No. 564); and

ALDON K. MOCHIDA, term to expire June 30, 2013 (Gov. Msg. No. 565),

seconded by Senator Ige.

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

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

Stand. Com. Rep. No. 1475 (Gov. Msg. No. 546):

Senator Baker moved that Stand. Com. Rep. No. 1475 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of RICHARD L. WILCOX to the State Board of Chiropractic Examiners, term to expire June 30, 2010, seconded by Senator Ige.

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

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

Stand. Com. Rep. No. 1476 (Gov. Msg. Nos. 465, 466, 467, and 581):

Senator Tokuda moved that Stand. Com. Rep. No. 1476 be received and placed on file, seconded by Senator Sakamoto and carried.

Senator Tokuda then moved that the Senate advise and consent to the nominations to the Hawai'i Medical Education Council of the following:

CHRISTI L. KELIPIO, term to expire June 30, 2013 (Gov. Msg. No. 465);

SUSAN R. MURRAY, term to expire June 30, 2013 (Gov. Msg. No. 466);

MARY E. WORRALL, term to expire June 30, 2013 (Gov. Msg. No. 467); and

DARRYL S. SALVADOR PSY.D., term to expire June 30, 2011 (Gov. Msg. No. 581),

seconded by Senator Sakamoto.

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

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

Stand. Com. Rep. No. 1477 (Gov. Msg. No. 580):

Senator Tokuda moved that Stand. Com. Rep. No. 1477 be received and placed on file, seconded by Senator Sakamoto and carried.

Senator Tokuda then moved that the Senate advise and consent to the nomination of JAMES H.Q. LEE to the Board of Regents of the University of Hawaii, term to expire June 30, 2014, seconded by Senator Sakamoto.

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

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

Stand. Com. Rep. No. 1478 (Gov. Msg. No. 579):

Senator Tokuda moved that Stand. Com. Rep. No. 1478 be received and placed on file, seconded by Senator Sakamoto and carried.

Senator Tokuda then moved that the Senate advise and consent to the nomination of JOHN C. HOLZMAN to the

Board of Regents of the University of Hawaii, term to expire June 30, 2014, seconded by Senator Sakamoto.

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

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

Stand. Com. Rep. No. 1479 (Gov. Msg. No. 306):

Senator Tokuda moved that Stand. Com. Rep. No. 1479 be received and placed on file, seconded by Senator Sakamoto and carried.

Senator Tokuda then moved that the Senate advise and consent to the nomination of MICHAEL A. DAHLIG to the Board of Regents of the University of Hawai'i, term to expire June 30, 2013, seconded by Senator Sakamoto.

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

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

Stand. Com. Rep. No. 1480 (Gov. Msg. No. 313):

Senator Tokuda moved that Stand. Com. Rep. No. 1480 be received and placed on file, seconded by Senator Sakamoto and carried.

Senator Tokuda then moved that the Senate advise and consent to the nomination of GRANT TUCK SUN TEICHMAN to the Board of Regents of the University of Hawaii, term to expire June 30, 2010, seconded by Senator Sakamoto.

Senator Tokuda rose to request that comments in support of the nominee be entered into the Journal.

The Chair having so ordered, Senator Tokuda's remarks read as follows:

"I rise to speak in support of Governor's Message 313, confirming Grant Tuck Sun Teichman to the University of Hawaii Board of Regents.

"Mr. Teichman received support from a number of university, community, and business organizations, as well as a numerous individuals from across the state.

"He is a third generation graduate from the University of Hawai'i of which he earned a Bachelor's degree in Classical European History, with honors, and Political Science. While attending the University of Hawai'i at Mānoa (UHM), Mr. Teichman committed himself to serving on a number of student organizations. He twice served as the president of the Associated Students of the University of Hawai'i, and most recently as the president-elect for the University of Hawai'i Student Union Campus Center Board. He was also a staff writer and associate editor for the UHM student newspaper, *Ka Leo o Hawai'i*.

"Mr. Teichman's commitment to service also extended beyond the campus, where he served as a member of the Honolulu Mayor's High-Capacity Transit Committee and is an active member of the Atherton YMCA's Board of Directors.

"As a result of his service and academic honors, Mr. Teichman was the recipient of numerous scholarships and awards, including being a Rhodes Scholar nominee, and was a member of the UHM Deans List for four semesters. Continuing his education, Mr. Teichman will be attending the William S. Richardson Law School this fall.

"While there were a number of letters and testifiers in support for Mr. Teichman's nomination, testimony in opposition was presented by members of the University of

Hawaii Student Caucus. As a result of the concerns raised by the students over serious lapses in communication and access to Mr. Teichman during the nomination process, your committee has been working with Karen Lee, Vice President for Student Affairs, to mediate and improve this important relationship.

"In deference to those student leaders who wished to engage Mr. Teichman in conversations prior to his confirmation, your committee held off bringing his name to the floor until a meeting was arranged. While good faith attempts were made by Mr. Teichman to meet with the Student Caucus as a whole, in the end, a formal invitation to address the group was not achieved.

"Recognizing the importance of student participation in the governance of the University, we will continue to work closely with Mr. Teichman and student leaders and various student organizations to ensure that there will be good communication and active student participation going forward.

"Having spent many hours speaking to Mr. Teichman, I believe that he will be an asset to the Board of Regents, and as a result of his confirmation proceedings, has learned how to be an even better representative of his constituency group.

"Mr. Teichman's academic accomplishments and commitment to both the university community and the community at large are testaments to his qualifications for serving as the student regent. It is for that reason that I wholeheartedly support his nomination, and encourage my colleagues to do so as well."

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

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

Senator Kim, Chair of the Committee on Ways and Means, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.C.R. No. 76, H.D. 1 (Proposed S.D. 1).

Senator Kim noted:

"We had a brilliant idea at this time and we think it'll help improve government, reinvent government, and make government more efficient, and we think we need to get it before Session ends."

The Chair granted the waiver.

At this time, the Chair made the following announcement:

"Referrals and re-referrals are made in accordance with the Supplemental Order of the Day that may be distributed to your offices later this afternoon."

APPOINTMENT AND DISCHARGE OF CONFEREES

S.B. No. 1268, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1268, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Hee, chair; Sakamoto, English, co-chairs; Slom as manager on the part of the Senate at such conference.

S.B. No. 1350, S.D. 2 (H.D. 1):

The President discharged Senator Tsutsui as a manager and appointed him as an additional 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. 1350, S.D. 2.

S.B. No. 1673, S.D. 2 (H.D. 2):

The President appointed Senator Takamine as an additional 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. 1673, S.D. 2.

ADJOURNMENT

At 11:44 a.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Friday, April 24, 2009.