

TWELFTH DAY

Friday, February 5, 2010

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2010, convened at 11:34 a.m. with the President in the Chair.

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

The President announced that she had read and approved the Journal of the Eleventh Day.

At this time, the following introductions were made to the members of the Senate:

At this time, Senator Espero recognized and congratulated the East-West Center on its 50th Anniversary. Representing the East-West Center were Dr. Charles E. Morrison, President; Puongpun Sananikone, Chairman of the Board of Governors; Karen Knudsen, Director of External Affairs; and Carleen Gumapac, Corporate Secretary.

Senator English, a former East-West Center grantee with the Institute of Culture and Communications, also congratulated the East-West Center on its 50th anniversary.

At 11:41 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:47 a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 178 and 179) were read by the Clerk and were placed on file:

Gov. Msg. No. 178, dated February 4, 2010, transmitting a Report on Land Dispositions Made of Public Lands for Calendar Year 2009, prepared by the Department of Land and Natural Resources pursuant to Section 171-29, HRS.

Gov. Msg. No. 179, letter dated February 4, 2010, requesting immediate consideration and passage of Senate Bill No. 2676 making an emergency appropriation of \$900,000 out of the Aloha Tower Fund for fiscal year 2009-2010 to pay for the settlement of a claim.

STANDING COMMITTEE REPORTS

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2024) recommending that S.B. No. 2264 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2264, entitled: "A BILL FOR AN ACT RELATING TO QUEST HEALTH CARE PAYMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2025) recommending that S.B. No. 2455, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2455, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE SUN SCREENING DEVICES," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator English, for the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2026) recommending that S.B. No. 2614 pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2614, entitled: "A BILL FOR AN ACT RELATING TO EXCESSIVE SPEEDING," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Sakamoto, for the Committee on Education and Housing, presented a report (Stand. Com. Rep. No. 2027) recommending that S.B. No. 2172, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2172, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAIMUKI CHRISTIAN SCHOOL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education and Housing, presented a report (Stand. Com. Rep. No. 2028) recommending that S.B. No. 2113 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2113, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR INFUSION INTO THE RENTAL HOUSING TRUST FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Baker, for the majority of the Committee on Education and Housing and the majority of the Committee on Commerce and Consumer Protection, presented a joint report (Stand. Com. Rep. No. 2029) recommending that S.B. No. 2124, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the majority of the Committees was adopted and S.B. No. 2124, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Tokuda, for the Committee on Education and Housing and the Committee on Higher Education, presented a joint report (Stand. Com. Rep. No. 2030) recommending that S.B. No. 2257, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2257, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC WARRANT VOUCHERS,"

passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Tokuda, for the Committee on Education and Housing and the Committee on Higher Education, presented a joint report (Stand. Com. Rep. No. 2031) recommending that S.B. No. 2115 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2115, entitled: "A BILL FOR AN ACT RELATING TO PREAUDITS FOR PROPOSED PAYMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Chun Oakland, for the Committee on Education and Housing and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 2032) recommending that S.B. No. 2721, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2721, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DIRECTORS OF THE HAWAII PUBLIC HOUSING AUTHORITY," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senators Sakamoto and Chun Oakland, for the Committee on Education and Housing and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 2033) recommending that S.B. No. 2112 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2112, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE SENIOR RESIDENCE AT IWILEI, OAHU," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Takamine, for the Committee on Education and Housing and the majority of the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 2034) recommending that S.B. No. 2327 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the majority of the Committees was adopted and S.B. No. 2327, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education and Housing, presented a report (Stand. Com. Rep. No. 2035) recommending that S.B. No. 2121 pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2121, entitled: "A BILL FOR AN ACT RELATING TO THE EARLY LEARNING COUNCIL," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2036) recommending that S.B. No. 2294, as amended in S.D. 1, pass

Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2294, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2037) recommending that S.B. No. 2500, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2500, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tokuda, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 2038) recommending that S.B. No. 2385 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2385, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tokuda, for the majority of the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 2039) recommending that S.B. No. 2386 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2386, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII CAPITAL IMPROVEMENTS PROGRAM PROJECT ASSESSMENT SPECIAL FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2040) recommending that S.B. No. 2449 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2449, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 8, 2010.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 2013 (Gov. Msg. No. 119):

Senator Taniguchi moved that Stand. Com. Rep. No. 2013 be received and placed on file, seconded by Senator Takamine and carried.

Senator Taniguchi then moved that the Senate consent to the nomination of LAWRENCE M. REIFURTH to the office of Associate Judge, Intermediate Court of Appeals, State of Hawaii, for a term of ten years, seconded by Senator Takamine.

Senator Taniguchi rose in support of the nominee as follows:

“Madam President, I rise to speak in support of Lawrence Reifurth, gubernatorial nominee for Associate Judge of the Intermediate Court of Appeals.

“Your Committee on Judiciary and Government Operations heard from Mr. Reifurth, and we are convinced that he will serve well in his capacity as Associate Judge. Testimony received was overwhelmingly in support of Mr. Reifurth, including testimony from the Attorney General. We also received information from the Hawai‘i State Bar Association that Mr. Reifurth is qualified to serve as the Associate Judge. For these reasons, I am asking my colleagues to support the consent of Larry Reifurth as Associate Judge of the Intermediate Court of Appeals, State of Hawai‘i. Thank you, Madam President.”

Senator Slom rose in support of the nominee as follows:

“First, Madam President, I must apologize to you and to our colleagues and to those in the gallery. We had no drama whatsoever in this hearing and it went rather quickly. We did learn of the experience and background of the nominee—his experience as Insurance Commissioner, his experience at DCCA, his background in commercial and civil law, which I think will be extremely helpful in his new position. We tried desperately, Madam President, to find skeletons in the closet. We harangued the testifiers, but we could find nothing in that closet. The only thing that was of possible controversy was his love in excess of Chicago pizza, but we limited that to his times in Chicago. So fortunately, with his new duties, we’ll have him here more often and that will not be an issue. He is a man of integrity, a man of honesty. As I mentioned, his community service is very important, and besides that, he knows how to write, and write clearly—all of the things that we look for in a highly qualified judge. I urge my colleagues also to support his nomination. Thank you.”

Senator Baker rose in support of the nominee as follows:

“Madam President, colleagues, I’ve had the good fortune to work with Mr. Reifurth as the Director of the Department of Commerce and Consumer Affairs. He’s been very forthcoming in working with the Committee, he’s been an excellent leader of that department, and has demonstrated an ability to work with all kinds of folks to come to resolution and get the job done. While I’m very disappointed that he’s leaving before his term as the Director of DCCA is over, I know that he will bring a wealth of experience to the Intermediate Court of Appeals. He brings the government-side of law, which I believe is the expertise of the position that he’s replacing at the ICA. That perspective is very important, I think and that we have a balance in the Judiciary. And although he’s not a woman—and I would certainly have preferred more women appointees to the bench—that was not something he could control, and I know that he’s going to do an excellent job in his new position. I wish him well and will be supporting his nomination.”

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

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

At this time, Senator Taniguchi introduced Judge Reifurth, who was accompanied by his wife May Nakamoto and daughter Taylor.

At 11:53 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 a.m.

At this time, the Chair made the following announcement:

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

ADJOURNMENT

At 11:59 a.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Monday, February 8, 2010.