

FORTY-FIRST DAY

Wednesday, March 31, 2010

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2010, convened at 11:36 a.m. with the President in the Chair.

The Divine Blessing was invoked by Ms. Joanne Nakashima, Office of the Honorable Gary L. Hooser, Hawai'i State Senate, after which the Roll was called showing all Senators present.

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

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

Senator Slom introduced the following guests who were visiting for the release of the 2010 Hawaii Pork Report: Ms. Jamie Story, President of the Grassroot Institute of Hawai'i; Mr. David Williams, Vice President of Policy for Citizens against Government Waste in Washington, D.C.; and PigFoot.

Senator Espero recognized and congratulated the United Service Organization (USO) of Hawaii for its continued outstanding efforts to support U.S. military personnel and their family members with its unselfish devotion of generosity, and extended warm wishes for its continued efforts and success. Representing the USO of Hawaii were the Chair of the USO Hawaii Advisory Council Karl Kiyokawa, Vice President Hawaii Operations, Tri-West Healthcare Alliance; Chair-Elect of the USO Hawaii Advisory Council Kyle Brockett, Assistant Vice President and Branch Manager of Kaneohe MCBH - Bank of Hawaii; Regional Vice President of USO Pacific Region Tom Kolstad; and the Director of USO Hawaii Eva Laird Smith.

Senator Espero also recognized the following individuals in the gallery who have been supportive of the USO Hawaii Region: Advisory Council members Mildred Courtney and Colonel Jimmie R. Lackey (Ret.); USO Hawaii officials, staff, and volunteers including USO Center Manager – Hickam Air Force Base Elaine Ota; USO Center Manager – Honolulu International Airport William Johnson; Programs Manager Nicole Darity; Military Liaison, USO Hawaii Advisory Council Command Master Chief Petty Officer Earl Gray (U.S. Navy – Pearl Harbor); Command Master Chief Petty Officer Bill Holz (U.S. Navy – Region Hawaii); Sergeant Major James Sutton (United States Marine Corps); from the United States Coast Guard Rear Admiral Manson Brown and Master Chief Petty Officer Leilani Cale-Jones; from the United States Marine Corps Colonel Robert Rice; from the United States Air Force Colonel Sam Barrett, Base Commander, Joint Basing Captain Richard Kitchens; City and County of Honolulu Councilman Gary Okino; from the business community Alan Hayashi of BAE Systems, Mark Torreano of Lockheed Martin, Steve Colon of Hunt Development, Larry Osborn of Northrup Grumman, Charlie Ota of the Chamber of Commerce of Hawaii, Bill Comstock of Outrigger Hotels & Resorts; and other military personnel and USO supporters seated in the gallery.

At 11:46 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:51 a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 383 to 398) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 383, submitting for consideration and confirmation to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances, the nomination of KARL P. ESPALDON, term to expire June 30, 2014, was referred to the Committee on Health.

Gov. Msg. No. 384, submitting for consideration and confirmation to the State Boxing Commission of Hawai'i, the nomination of BRUCE T. KAWANO, term to expire June 30, 2014, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 385, submitting for consideration and confirmation to the Board of Electricians and Plumbers, the nomination of MORRIS H. KANESHIRO, term to expire June 30, 2014, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 386, submitting for consideration and confirmation to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, the nomination of CAROL H. IGARASHI, term to expire June 30, 2014, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 387, submitting for consideration and confirmation to the Board of Massage Therapy, the nomination of LAURA Y. CHOCK, term to expire June 30, 2014, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 388, submitting for consideration and confirmation to the Board of Massage Therapy, the nomination of OLIVIA B. NAGASHIMA, term to expire June 30, 2014, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 389, submitting for consideration and confirmation to the Medical Advisory Board, the nomination of EUGENE A. H. MAGNIER MD, term to expire June 30, 2014, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 390, submitting for consideration and confirmation to the Medical Advisory Board, the nomination of LEO MAHER MD, MHA, FAAN, term to expire June 30, 2014, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 391, submitting for consideration and confirmation to the Medical Advisory Board, the nomination of ALAN SERIKAWA, term to expire June 30, 2014, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 392, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Public Housing Authority, the nomination of R. ERIC HO'OLULUKAMAKANI BEAVER, ESQ., term to expire June 30, 2014, was referred to the Committee on Education and Housing.

Gov. Msg. No. 393, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nomination of TREVOR H. KAINOA DAINES, term to expire June 30, 2014, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 394, submitting for consideration and confirmation to the Environmental Council, the nomination of PETER H. COOPER, term to expire June 30, 2014, was referred to the Committee on Energy and Environment.

Gov. Msg. No. 395, submitting for consideration and confirmation to the Board of Directors of the Natural Energy Laboratory of Hawai'i Authority, the nomination of MICHAEL BUCHAL, term to expire June 30, 2014, was referred to the Committee on Energy and Environment.

Gov. Msg. No. 396, submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs (PABEA), the nomination of HERBERT C. SHARP, term to expire June 30, 2014, was referred to the Committee on Human Services.

Gov. Msg. No. 397, submitting for consideration and confirmation to the Hawai'i Medical Education Council, the nomination of FEREDOUN DON PARSIA, MD, term to expire June 30, 2013, was referred to the Committee on Higher Education.

Gov. Msg. No. 398, submitting for consideration and confirmation to the Board of Directors of the Research Corporation of the University of Hawai'i, the nomination of MARK ITARU YAMADA, term to expire June 30, 2014, was referred to the Committee on Higher Education.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 293 to 297) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 293, informing the Senate that on March 30, 2010, the House disagreed to the amendments proposed by the Senate to the following House Bills:

H.B. No. 1927, H.D. 2 (S.D. 1);
H.B. No. 2289, H.D. 2 (S.D. 1); and
H.B. No. 2351 (S.D. 1),

was placed on file.

Hse. Com. No. 294, transmitting H.C.R. No. 102, H.D. 1, which was adopted by the House of Representatives on March 30, 2010, was placed on file.

By unanimous consent, H.C.R. No. 102, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE VIGOROUS ENFORCEMENT OF EXISTING OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION REGULATIONS ON THE USE OF HEXAVALENT CHROMIUM AND URGING THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION TO PROMOTE THE USE OF SAFER ALTERNATIVES WITH THE GOAL OF EVENTUALLY BANNING HEXAVALENT CHROMIUM," was referred jointly to the Committee on Labor and the Committee on Health.

Hse. Com. No. 295, transmitting H.C.R. No. 141, which was adopted by the House of Representatives on March 30, 2010, was placed on file.

By unanimous consent, H.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE APPLICATION OF HAWAIIAN AIRLINES TO PROVIDE AIRLINE SERVICE TO HANEDA AIRPORT IN TOKYO, JAPAN," was referred jointly to the Committee on Tourism and the Committee on Transportation, International and Intergovernmental Affairs.

Hse. Com. No. 296, transmitting H.C.R. No. 142, which was adopted by the House of Representatives on March 30, 2010, was placed on file.

By unanimous consent, H.C.R. No. 142, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES

CONGRESS TO EXPEDITE PAYMENT OF WAR BENEFITS TO FILIPINO VETERANS WHO FOUGHT IN WORLD WAR II BUT WERE SUBSEQUENTLY DENIED THEIR ENTITLED BENEFITS," was referred jointly to the Committee on Public Safety and Military Affairs and the Committee on Transportation, International and Intergovernmental Affairs.

Hse. Com. No. 297, transmitting H.C.R. No. 175, which was adopted by the House of Representatives on March 30, 2010, was placed on file.

By unanimous consent, H.C.R. No. 175, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO DESIGNATE THE HONOR AND REMEMBER FLAG AS A NATIONAL SYMBOL OF OUR NATION'S CONCERN AND COMMITMENT TO HONORING AND REMEMBERING THE LIVES OF ALL MEMBERS OF THE US ARMED FORCES WHO HAVE LOST THEIR LIVES IN THE LINE OF DUTY," was referred jointly to the Committee on Public Safety and Military Affairs and the Committee on Transportation, International and Intergovernmental Affairs.

STANDING COMMITTEE REPORTS

Senator Baker, for the majority of the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2935) recommending that S.C.R. No. 218, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2935 and S.C.R. No. 218, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING LEGISLATIVE SUPPORT FOR THE RIGHT TO DISPLAY THE UNITED STATES FLAG," was deferred until Thursday, April 1, 2010.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2936) recommending that S.C.R. No. 235, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2936 and S.C.R. No. 235, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A CLEAN AND SOBER HOME AND HALFWAY HOUSE TASK FORCE," was deferred until Thursday, April 1, 2010.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2937) recommending that S.R. No. 79, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2937 and S.R. No. 79, S.D. 1, entitled: "SENATE RESOLUTION URGING HAWAII HEALTH SYSTEMS CORPORATION HOSPITALS AND CLINICS TO ACCEPT MEDICAL STUDENT ROTATIONS FROM A.T. STILL UNIVERSITY SCHOOL OF OSTEOPATHIC MEDICINE BASED OUT OF THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER, THE UNIVERSITY OF HAWAII JOHN A. BURNS SCHOOL OF MEDICINE, AND OTHER HAWAII-BASED MEDICAL SCHOOLS," was deferred until Thursday, April 1, 2010.

Senators Ige and Takamine, for the Committee on Health and the majority of the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 2938) recommending that S.C.R. No. 40, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2938 and S.C.R. No. 40, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR ENFORCEMENT OF EXISTING OSHA REGULATIONS ON THE USE OF HEXAVALENT

CHROMIUM AND URGING OSHA TO DEVELOP SAFER ALTERNATIVES AND BAN HEXAVALENT CHROMIUM," was deferred until Thursday, April 1, 2010.

Senators Tokuda and Fukunaga, for the Committee on Higher Education and the Committee on Economic Development and Technology, presented a joint report (Stand. Com. Rep. No. 2939) recommending that S.C.R. No. 145, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2939 and S.C.R. No. 145, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION PROCLAIMING 2010 AS THE YEAR OF ETHNIC STUDIES IN HAWAII," was deferred until Thursday, April 1, 2010.

Senators Tokuda and Fukunaga, for the Committee on Higher Education and the Committee on Economic Development and Technology, presented a joint report (Stand. Com. Rep. No. 2940) recommending that S.R. No. 66, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2940 and S.R. No. 66, S.D. 1, entitled: "SENATE RESOLUTION PROCLAIMING 2010 AS THE YEAR OF ETHNIC STUDIES IN HAWAII," was deferred until Thursday, April 1, 2010.

Senators Espero and English, for the Committee on Public Safety and Military Affairs and the Committee on Transportation, International and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2941) recommending that S.C.R. No. 207, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2941 and S.C.R. No. 207, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING MEMBERS OF HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT H.R. 208, THE NATIONAL GUARDSMEN AND RESERVISTS PARITY FOR PATRIOTS ACT, AND S. 644, THE NATIONAL GUARD AND RESERVE RETIRED PAY EQUITY ACT OF 2009," was deferred until Thursday, April 1, 2010.

Senators Espero and English, for the Committee on Public Safety and Military Affairs and the Committee on Transportation, International and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2942) recommending that S.R. No. 105, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2942 and S.R. No. 105, S.D. 1, entitled: "SENATE RESOLUTION URGING MEMBERS OF HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT H.R. 208, THE NATIONAL GUARDSMEN AND RESERVISTS PARITY FOR PATRIOTS ACT, AND S. 644, THE NATIONAL GUARD AND RESERVE RETIRED PAY EQUITY ACT OF 2009," was deferred until Thursday, April 1, 2010.

Senator Sakamoto, for the Committee on Education and Housing, presented a report (Stand. Com. Rep. No. 2943) recommending that the Senate advise and consent to the nomination of ALLAN LOS BANOS JR. to the Board of Directors of the Hawai'i Housing Finance and Development Corporation (HFD), in accordance with Gov. Msg. No. 196.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2943 and Gov. Msg. No. 196 was deferred until Thursday, April 1, 2010.

Senator Sakamoto, for the Committee on Education and Housing, presented a report (Stand. Com. Rep. No. 2944) recommending that the Senate advise and consent to the nomination of VOLETTA NOE NOE TOM to the Hawaii

Teacher Standards Board, in accordance with Gov. Msg. No. 277.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2944 and Gov. Msg. No. 277 was deferred until Thursday, April 1, 2010.

Senator Sakamoto, for the Committee on Education and Housing, presented a report (Stand. Com. Rep. No. 2945) recommending that the Senate advise and consent to the nominations to the Board of Directors of the Hawai'i Public Housing Authority (HPHA) of the following:

MATTIE A. YOSHIOKA, in accordance with Gov. Msg. No. 255; and

ROGER K. GODFREY, in accordance with Gov. Msg. No. 278.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2945 and Gov. Msg. Nos. 255 and 278 was deferred until Thursday, April 1, 2010.

Senator English, for the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2946) recommending that the Senate advise and consent to the nomination of JOHN B. RAY to the Commission on Transportation, in accordance with Gov. Msg. No. 371.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2946 and Gov. Msg. No. 371 was deferred until Thursday, April 1, 2010.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2947) recommending that H.B. No. 2020, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2947 and H.B. No. 2020, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," was deferred until Tuesday, April 6, 2010.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2948) recommending that H.B. No. 1684, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2948 and H.B. No. 1684, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," was deferred until Tuesday, April 6, 2010.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2949) recommending that H.B. No. 134, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2949 and H.B. No. 134, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," was deferred until Tuesday, April 6, 2010.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2950) recommending that H.B. No. 1944, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2950 and H.B. No. 1944, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CLUBS," was deferred until Tuesday, April 6, 2010.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep.

No. 2951) recommending that H.B. No. 1978, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2951 and H.B. No. 1978, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TOWING," was deferred until Tuesday, April 6, 2010.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2952) recommending that H.B. No. 2297, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2952 and H.B. No. 2297, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SUN SCREENING DEVICES," was deferred until Tuesday, April 6, 2010.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2953) recommending that H.B. No. 2568, S.D. 1 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2953 and H.B. No. 2568, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DIRECTORS OF THE HAWAII PUBLIC HOUSING AUTHORITY," was deferred until Thursday, April 1, 2010.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2954) recommending that H.B. No. 2056, H.D. 1, S.D. 1 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2954 and H.B. No. 2056, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIST LICENSURE," was deferred until Thursday, April 1, 2010.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2955) recommending that H.B. No. 2197, H.D. 1, S.D. 1 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2955 and H.B. No. 2197, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," was deferred until Thursday, April 1, 2010.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2956) recommending that H.B. No. 2548, H.D. 1, as amended in S.D. 1, 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 H.B. No. 2548, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 6, 2010.

ORDER OF THE DAY

AGREE/DISAGREE

MATTERS DEFERRED FROM TUESDAY, MARCH 30, 2010

S.B. No. 2111, S.D. 2 (H.D. 1):

By unanimous consent, action on S.B. No. 2111, S.D. 2 (H.D. 1), entitled "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," was deferred until Thursday, April 1, 2010.

S.B. No. 2340, S.D. 1 (H.D. 1):

Senator Hee moved that the Senate agree to the amendments proposed by the House to S.B. No. 2340, S.D. 1, seconded by Senator Sakamoto.

Senator Hee noted:

"What the House did is make the date good, so the Senate agrees."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2340, S.D. 1, and S.B. No. 2340, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KANEOHE BAY REGIONAL COUNCIL," was placed on the calendar for Final Reading on Thursday, April 1, 2010.

S.B. No. 2697, S.D. 1 (H.D. 1):

By unanimous consent, action on S.B. No. 2697, S.D. 1 (H.D. 1), entitled "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred until Thursday, April 1, 2010.

S.B. No. 2910 (H.D. 1):

By unanimous consent, action on S.B. No. 2910 (H.D. 1), entitled "A BILL FOR AN ACT RELATING TO REAL PROPERTY," was deferred until Thursday, April 1, 2010.

ADVISE AND CONSENT

Stand. Com. Rep. No. 2899 (Gov. Msg. Nos. 280, 281, and 279):

Senator Fukunaga moved that Stand. Com. Rep. No. 2899 be received and placed on file, seconded by Senator Baker and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nominations to the Community-Based Economic Development Advisory Council of the following:

MICHAEL J. MURAKOSHI, term to expire June 30, 2010 (Gov. Msg. No. 280);

MICHAEL J. MURAKOSHI, term to expire June 30, 2014 (Gov. Msg. No. 281); and

JENNIFER L. ZELKO, term to expire June 30, 2014 (Gov. Msg. No. 279),

seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 2900 (Gov. Msg. Nos. 315, 284, 317, and 283):

Senator Fukunaga moved that Stand. Com. Rep. No. 2900 be received and placed on file, seconded by Senator Baker and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nominations to the King Kamehameha Celebration Commission of the following:

STEPHEN H. REELITZ, term to expire June 30, 2010 (Gov. Msg. No. 315);

STEPHEN H. REELITZ, term to expire June 30, 2014 (Gov. Msg. No. 284);

GEORGE S. THRONAS, JR., term to expire June 30, 2010 (Gov. Msg. No. 317); and

GEORGE S. THRONAS, JR., term to expire June 30, 2014 (Gov. Msg. No. 283),

seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 2901 (Gov. Msg. Nos. 282 and 197):

Senator Fukunaga moved that Stand. Com. Rep. No. 2901 be received and placed on file, seconded by Senator Baker and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nominations to the Hawai'i Historic Places Review Board of the following:

NAOMI CLARKE LOSCH, term to expire June 30, 2014 (Gov. Msg. No. 282); and

JULIE M.E. TAOMIA, term to expire June 30, 2014 (Gov. Msg. No. 197),

seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 2902 (Gov. Msg. Nos. 286 and 287):

Senator Fukunaga moved that Stand. Com. Rep. No. 2902 be received and placed on file, seconded by Senator Baker and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nominations to the State Foundation on Culture and the Arts Commission of the following:

MARY BEGIER, term to expire June 30, 2014 (Gov. Msg. No. 286); and

PETER LARRY ROSEGG, term to expire June 30, 2014 (Gov. Msg. No. 287),

seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 2903 (Gov. Msg. No. 285):

Senator Fukunaga moved that Stand. Com. Rep. No. 2903 be received and placed on file, seconded by Senator Baker and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nomination of BRUCE E. BUCKY to the Small Business Regulatory Review Board, term to expire June 30, 2014, seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 2904 (Gov. Msg. No. 347):

Senator Chun Oakland moved that Stand. Com. Rep. No. 2904 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 CHESTER JAMES ADESSA, JR. to the Commission of Fatherhood, 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, 24. Noes, none. Excused, 1 (Tokuda).

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM TUESDAY, MARCH 30, 2010

Stand. Com. Rep. No. 2896 (S.C.R. No. 140, S.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 140, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO RESPOND TO KPMG'S RECOMMENDATIONS REGARDING IMPROVEMENTS TO THE DEPARTMENT'S OPERATIONS AND WORKFLOW," was adopted.

Stand. Com. Rep. No. 2897 (S.C.R. No. 195, S.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 195, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO INCORPORATE SIGN LANGUAGE AND OTHER COMMUNICATION STRATEGIES DURING INSTRUCTION TO ENHANCE THE LEARNING OF CHILDREN WITH COGNITIVE AND OTHER DISABILITIES," was adopted.

Stand. Com. Rep. No. 2898 (S.C.R. No. 221, S.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 221, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A TASK FORCE TO MAKE RECOMMENDATIONS FOR AN EDUCATIONAL PROGRAM FOR HIGH SCHOOL ATHLETIC COACHES AND TRAINERS TO AVOID AND MINIMIZE INJURIES TO HIGH SCHOOL ATHLETES," was adopted.

Stand. Com. Rep. No. 2905 (S.C.R. No. 206, S.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 206, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAIANAE COAST HOMELESSNESS TASK FORCE TO DEVELOP A COMPREHENSIVE PLAN TO ADDRESS THE IMMEDIATE, SHORT-, AND LONG-TERM NEEDS OF THE HOMELESS AND THOSE AT-RISK OF BECOMING HOMELESS," was adopted.

THIRD READING

H.B. No. 2157, H.D. 1, S.D. 1:

On motion by Senator Ige, seconded by Senator Chun Oakland and carried, H.B. No. 2157, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPANDED ADULT RESIDENTIAL CARE HOMES," passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2397, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, H.B. No. 2397, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIMARY ELECTIONS," passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2784, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, H.B. No. 2784, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL CLAIMS COURT," passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 840, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, H.B. No. 840, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARGING BY WRITTEN INFORMATION," passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1019, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, H.B. No. 1019, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1862, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, H.B. No. 1862, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ORDER," passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1863, H.D. 1, S.D. 1:

Senator Taniguchi moved that H.B. No. 1863, H.D. 1, S.D. 1 pass Third Reading, seconded by Senator Takamine.

Senator Slom requested that his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 1863, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Slom). Noes, none. Excused, 1 (Tokuda).

H.B. No. 1902, H.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Ihara and carried, H.B. No. 1902, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG TERM CARE," passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2600:

On motion by Senator Kim, seconded by Senator Tsutsui and carried, H.B. No. 2600, entitled: "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Tokuda).

H.B. No. 2596:

On motion by Senator Kim, seconded by Senator Tsutsui and carried, H.B. No. 2596, entitled: "A BILL FOR AN ACT

RELATING TO TAX CREDITS," passed Third Reading on the following showing of Ayes and Noes:

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

At this time, Senator Hee rose on a point of personal privilege and said:

"Your Committee on Water and Land will be having an informational briefing, an oversight briefing, on the National Park Service report on the State Historic Preservation Division. The State Historic Preservation Division, as most people know, risks losing more than \$1.1 million in federal funding, about half its budget, due to program lapses detailed in a new report by the National Park Service. The Park Service put it on a high-risk grantee status, which is very unusual, due to details of a multitude of persistent problems. The Division is required to meet a list of corrective actions within two years. If it fails, the Park Service will suspend annual matching federal grants. But Laura Thielen, according to a newspaper article, had said, 'Some of the corrective actions are unrealistic because of insufficient resources, fiscal constraints, limited staff, and heavy workload,' regardless of that, according to the Park Service, this has been a pattern of recurrent problems such as: In 2007, Administrator Melanie Chinen resigned following a criticism of her management style and the departure of 19 staff members over a two year period. An additional 18 people have left since then. This is a classic case of Ms. Chinen not meeting the statutory requirements ordered by law for the SHPO. I think we all know that the initial director of DLNR also did not meet the statutory requirements of SHPO, as well as the present SHPO, who also does not meet the statutory requirement; and, to no one's surprise, also the Director of the Office of State Planning doesn't meet the requirements required by statute.

"Therefore, your Committee on Water, Land, and Hawaiian Affairs has invited Mr. Frank Case, the Director of the National Park Service; Ms. Laura Thielen; Ms. Pua Aiu; Ms. Nancy McMahon; Mr. Glenn Mason, a historic architect; Madam Kiersten Faulkner of Historic Hawaii Foundation; and Kevin Mulligan of the HGEA to brief us from their perspective of an oversight hearing on the National Park Service report on the State Historic Preservation Division. As I said earlier, we'll post it today for Saturday, April 3, 2010, at 10:30 a.m. in conference room 229. Thank you."

At this time, the Chair made the following announcements:

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

"The deadline for filing standing committee reports on House bills that need to pass Second Reading tomorrow is 8:00 p.m. this evening.

"The Chair wishes to inform the body that we have received approximately 24 nominations from the Governor; and as you know, today is the forty-first day, so today is the deadline under our rules. We are deeming those notifications on time, but they will be on tomorrow's Order of the Day."

REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The President made the following committee assignments of House concurrent resolutions that were received on Monday, March 29, 2010; and Tuesday, March 30, 2010:

H.C.R. No.:	Referred to:
H.C.R. No. 51	Committee on Human Services
H.C.R. No. 62	Committee on Human Services
H.C.R. No. 64	Committee on Human Services

H.C.R. No. 102, H.D. 1	Jointly to the Committee on Labor and the Committee on Health
H.C.R. No. 140	Committee on Higher Education
H.C.R. No. 141	Jointly to the Committee on Tourism and the Committee on Transportation, International and Intergovernmental Affairs
H.C.R. No. 142	Jointly to the Committee on Public Safety and Military Affairs and the Committee on Transportation, International and Intergovernmental Affairs
H.C.R. No. 146	Jointly to the Committee on Transportation, International and Intergovernmental Affairs and the Committee on Economic Development and Technology
H.C.R. No. 175	Jointly to the Committee on Public Safety and Military Affairs and the Committee on Transportation, International and Intergovernmental Affairs
H.C.R. No. 178	Committee on Energy and Environment
H.C.R. No. 230	Jointly to the Committee on Energy and Environment and the Committee on Commerce and Consumer Protection
H.C.R. No. 242	Committee on Transportation, International and Intergovernmental Affairs
H.C.R. No. 265	Committee on Public Safety and Military Affairs, then to the Committee on Ways and Means
H.C.R. No. 266	Jointly to the Committee on Human Services and the Committee on Higher Education

**RE-REFERRAL OF
MESSAGES FROM THE GOVERNOR**

The Chair re-referred the following Governor's Messages that were received:

G.M. No.:	Re-referred to:
G.M. No. 389	Committee on Transportation, International and Intergovernmental Affairs
G.M. No. 390	Committee on Transportation, International and Intergovernmental Affairs
G.M. No. 391	Committee on Transportation, International and Intergovernmental Affairs

ADJOURNMENT

At 12:03 p.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Thursday, April 1, 2010.