

FORTY-EIGHTH DAY

Tuesday, April 13, 2010

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2010, convened at 11:44 a.m. with the President in the Chair.

The Divine Blessing was invoked by Dr. Kalena Silva, Director of the Hawaiian Language College, University of Hawai'i at Hilo, after which the Roll was called showing all Senators present with the exception of Senators Fukunaga and Kim who were excused.

The President announced that she had read and approved the Journal of the Forty-Seventh Day.

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

Senator Takamine introduced a delegation from the University of Hawai'i at Hilo including Kameha'ililani Waia'u, lead teacher at Ke Kula 'O Samuel M. Kamakau School; Shawn Kana'iaupuni, Director of Public Education Support; Walter Kahumoku, Director of Professional Development at Kamehameha Schools; Colin Kippen, Executive Director, Native Hawaiian Education Council; Kaua Neuman and Koleka Haia, students at Ka Haka 'Ula Ke'elikolani College – College of Hawaiian Language; Rose Tseng, Chancellor; and Gerald De Mello, Director of University Relations. Also recognized were teachers and students from Punana Leo Preschools of Honolulu and Kawaiaha'o Church.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 470 to 473) were read by the Clerk and were placed on file:

Gov. Msg. No. 470, informing the Senate that on April 12, 2010, the Governor signed into law Senate Bill No. 2758 as Act 14, entitled: "RELATING TO SAFETY INSPECTION OF MOTOR CARRIER VEHICLES."

Gov. Msg. No. 471, informing the Senate that on April 12, 2010, the Governor signed into law Senate Bill No. 2754 as Act 15, entitled: "RELATING TO COMMERCIAL DRIVER LICENSING."

Gov. Msg. No. 472, informing the Senate that on April 12, 2010, the Governor signed into law Senate Bill No. 2759 as Act 16, entitled, "RELATING TO DRIVER LICENSING."

Gov. Msg. No. 473, informing the Senate that on April 12, 2010, the Governor signed into law Senate Bill No. 2676, S.D. 1 as Act 17, entitled: "RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION."

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 561 to 564) were read by the Clerk and were placed on file:

Hse. Com. No. 561, informing the Senate that on April 12, 2010, the House agreed to the amendments proposed by the Senate to the following House bills and said bills passed Final Reading in the House of Representatives:

H.B. No. 134, H.D. 2, S.D. 2;
H.B. No. 1927, H.D. 2, S.D. 1;
H.B. No. 2197, H.D. 1, S.D. 1;
H.B. No. 2546, S.D. 1;
H.B. No. 2561, S.D. 1; and
H.B. No. 2568, S.D. 1.

Hse. Com. No. 562, informing the Senate that on April 12, 2010, the Speaker made the following changes to the conferees on the following bill:

H.B. No. 2020, H.D. 2 (S.D. 2):

Representatives Souki, Karamatsu added as Co-Chairs.

Hse. Com. No. 563, informing the Senate that on April 12, 2010, the Speaker made the following changes to the conferees on the following bills:

H.B. No. 2003, H.D. 3 (S.D. 2):

Representative Marumoto added as a manager.

H.B. No. 2450, H.D. 1 (S.D. 2):

Representative Thielen added as a manager.

Hse. Com. No. 564, informing the Senate that on April 12, 2010, 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. 2690 (S.D. 2):

Representatives M. Oshiro, Karamatsu, McKelvey, Manahan, Rhoads, Tokioka, Co-Chairs.

STANDING COMMITTEE REPORTS

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 3140) recommending that the Senate advise and consent to the nominations to the Policy Advisory Board for Elder Affairs (PABEA) of the following:

HERBERT C. SHARP, in accordance with Gov. Msg. No. 396; and

F. ADELE RUGG, in accordance with Gov. Msg. No. 444.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3140 and Gov. Msg. Nos. 396 and 444 was deferred until Wednesday, April 14, 2010.

Senator Espero, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 3141) recommending that the Senate advise and consent to the nomination of EDWARD R. CRUICKSHANK to the Civil Defense Advisory Council, in accordance with Gov. Msg. No. 454.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3141 and Gov. Msg. No. 454 was deferred until Wednesday, April 14, 2010.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 3142) recommending that the Senate advise and consent to the nominations to the Early Learning Council of the following:

CHARLES E. LARSON, in accordance with Gov. Msg. No. 412; and

CRYSTAL RAY K. NAONE, in accordance with Gov. Msg. No. 413.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3142 and Gov. Msg. No. 412 and 413 was deferred until Wednesday, April 14, 2010.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 3143) recommending that the Senate advise and consent to the

nomination of ELWOOD EDWARD MACHADO to the Commission on Fatherhood, in accordance with Gov. Msg. No. 443.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3143 and Gov. Msg. No. 443 was deferred until Wednesday, April 14, 2010.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 3144) recommending that H.C.R. No. 64, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3144 and H.C.R. No. 64, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING MARCH AS "ADULT RESIDENTIAL CARE HOME AND ADULT FOSTER HOME OPERATORS MONTH,"" was deferred until Wednesday, April 14, 2010.

ORDER OF THE DAY

AGREE/DISAGREE

MATTERS DEFERRED FROM MONDAY, APRIL 12, 2010

S.B. No. 2346, S.D. 1 (H.D. 1):

By unanimous consent, action on S.B. No. 2346, S.D. 1 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," was deferred until the end of the calendar.

ADVISE AND CONSENT

Stand. Com. Rep. No. 3130 (Gov. Msg. Nos. 229, 230, 231, 305, and 353):

Senator Nishihara moved that Stand. Com. Rep. No. 3130 be received and placed on file, seconded by Senator Galuteria and carried.

Senator Nishihara then moved that the Senate advise and consent to the nominations to the Board of Directors of the Hawai'i Tourism Authority of the following:

KELVIN M. BLOOM, term to expire June 30, 2014 (Gov. Msg. No. 229);

PATRICIA ANN EWING, term to expire June 30, 2014 (Gov. Msg. No. 230);

CHARLENE "CHA" MAE KU'UPUAALA THOMPSON, term to expire June 30, 2014 (Gov. Msg. No. 231);

VERNON FOOK LEONG CHAR, term to expire June 30, 2014 (Gov. Msg. No. 305); and

PATRICK K. FITZGERALD, term to expire June 30, 2014 (Gov. Msg. No. 353),

seconded by Senator Galuteria.

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

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

Stand. Com. Rep. No. 3131 (Gov. Msg. No. 339):

Senator Hee moved that Stand. Com. Rep. No. 3131 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of KYLE JAMES KALEO CHOCK to the Land Use Commission, term to expire June 30, 2014, seconded by Senator Tokuda.

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

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

Stand. Com. Rep. No. 3132 (Gov. Msg. No. 425):

Senator Hee moved that Stand. Com. Rep. No. 3132 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of CLISSON KUNANE AIPOALANI to the Island Burial Council, Islands of Kaua'i and Ni'ihau, term to expire June 30, 2014, seconded by Senator Tokuda.

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

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

Stand. Com. Rep. No. 3133 (Gov. Msg. No. 426):

Senator Hee moved that Stand. Com. Rep. No. 3133 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of KEKAMAIIKAMAIIKALANI HELM to the Island Burial Council, Island of Molokai, term to expire June 30, 2014, seconded by Senator Tokuda.

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

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

Stand. Com. Rep. No. 3134 (Gov. Msg. No. 427):

Senator Hee moved that Stand. Com. Rep. No. 3134 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of ROBERT J. PACHECO to the Board of Land and Natural Resources, term to expire June 30, 2014, seconded by Senator Tokuda.

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

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

Stand. Com. Rep. No. 3135 (Gov. Msg. Nos. 428 and 461):

Senator Hee moved that Stand. Com. Rep. No. 3135 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Hee then moved that the Senate advise and consent to the nominations to the Molokai Irrigation System Water Users Advisory Board of the following:

LARRY S. SAGARIO, term to expire June 30, 2011 (Gov. Msg. No. 428); and

MOKE KIM, term to expire June 30, 2013 (Gov. Msg. No. 461),

seconded by Senator Tokuda.

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

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

Stand. Com. Rep. No. 3136 (Gov. Msg. No. 446):

Senator Hee moved that Stand. Com. Rep. No. 3136 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of MARIE M. BRUEGMANN to the Natural Area Reserve System Commission, term to expire June 30, 2014, seconded by Senator Tokuda.

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

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

Stand. Com. Rep. No. 3137 (Gov. Msg. No. 459):

Senator Hee moved that Stand. Com. Rep. No. 3137 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of MICHELLE M. GALIMBA to the Board of Agriculture, term to expire June 30, 2014, seconded by Senator Tokuda.

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

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

Stand. Com. Rep. No. 3138 (Gov. Msg. No. 460):

Senator Hee moved that Stand. Com. Rep. No. 3138 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of KA'IULANI MURPHY to the Kaho'olawe Island Reserve Commission, term to expire June 30, 2012, seconded by Senator Tokuda.

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

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

ADOPTION OF RESOLUTION

MATTER DEFERRED FROM MONDAY, APRIL 12, 2010

Stand. Com. Rep. No. 3139 (H.C.R. No. 141):

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

FINAL READING

S.B. No. 2001, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 2001, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred until Wednesday, April 14, 2010.

S.B. No. 2159, H.D. 1:

By unanimous consent, action on S.B. No. 2159, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ABSTRACT FEE," was deferred until Wednesday, April 14, 2010.

S.B. No. 2401, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 2401, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," was deferred until Wednesday, April 14, 2010.

MISCELLANEOUS COMMUNICATION

The following communication (Misc. Com. No. 3) was read by the Clerk and was placed on file:

Misc. Com. No. 3, from the Honorable Colleen Hanabusa, President of the Senate, and the Honorable Calvin K.Y. Say, Speaker of the House of Representatives, dated April 12, 2010, transmitting a Legislative Communication authorizing a waiver of the April 8, 2010 disagree deadline on the 2010 Legislative Timetable for S.B. No. 2346, S.D. 1, H.D. 1.

AGREE/DISAGREE

MATTER DEFERRED FROM EARLIER ON THE CALENDAR

S.B. No. 2346, S.D. 1 (H.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2346, S.D. 1, and requested a conference on the subject matter thereof.

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2346, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Kidani, Hemmings as managers on the part of the Senate at such conference.

At this time, the Chair made the following announcements:

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

"In addition, conferees will be named in accordance with the Action Sheets to be distributed to your offices later today."

At this time, the Chair and members of the Senate extended happy birthday wishes to Senator Slom.

REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The Chair made the following committee assignments of House concurrent resolutions received on Monday, April 12, 2010:

H.C.R. No.:	Referred to:
H.C.R. No. 13	Committee on Human Services
H.C.R. No. 15, H.D. 2	Jointly to the Committee on Higher Education and the Committee on Human Services
H.C.R. No. 17	Jointly to the Committee on Higher Education and the Committee on Ways and Means
H.C.R. No. 19	Committee on Human Services
H.C.R. No. 21	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Ways and Means

H.C.R. No. 22	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Ways and Means	H.C.R. No. 45	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Ways and Means
H.C.R. No. 23	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Ways and Means	H.C.R. No. 46	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Ways and Means
H.C.R. No. 24	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Ways and Means	H.C.R. No. 47	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Ways and Means
H.C.R. No. 25	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Ways and Means	H.C.R. No. 50, H.D. 2	Committee on Water, Land, Agriculture, and Hawaiian Affairs
H.C.R. No. 26	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Ways and Means	H.C.R. No. 56	Jointly to the Committee on Education and Housing and the Committee on Ways and Means
H.C.R. No. 27	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Ways and Means	H.C.R. No. 61	Jointly to the Committee on Human Services and the Committee on Ways and Means
H.C.R. No. 28	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Ways and Means	H.C.R. No. 86	Committee on Transportation, International and Intergovernmental Affairs
H.C.R. No. 29	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Ways and Means	H.C.R. No. 101	Committee on Transportation, International and Intergovernmental Affairs
H.C.R. No. 30	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Ways and Means	H.C.R. No. 114, H.D. 1	Jointly to the Committee on Education and Housing and the Committee on Human Services
H.C.R. No. 31	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Ways and Means	H.C.R. No. 115, H.D. 1	Jointly to the Committee on Human Services and the Committee on Transportation, International and Intergovernmental Affairs
H.C.R. No. 32	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Ways and Means	H.C.R. No. 117	Jointly to the Committee on Economic Development and Technology and the Committee on Transportation, International and Intergovernmental Affairs
H.C.R. No. 33	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Ways and Means	H.C.R. No. 123	Committee on Public Safety and Military Affairs
H.C.R. No. 34	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Ways and Means	H.C.R. No. 129, H.D. 2	Jointly to the Committee on Education and Housing and the Committee on Higher Education
H.C.R. No. 36	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Ways and Means	H.C.R. No. 139	Committee on Public Safety and Military Affairs
H.C.R. No. 44	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Ways and Means	H.C.R. No. 145	Committee on Labor
		H.C.R. No. 155	Jointly to the Committee on Human Services and the Committee on Ways and Means
		H.C.R. No. 158	Jointly to the Committee on Human Services and the Committee on Health
		H.C.R. No. 160, H.D. 1	Jointly to the Committee on Higher Education and the Committee on Health
		H.C.R. No. 161, H.D. 1	Committee on Economic Development and Technology
		H.C.R. No. 162	Jointly to the Committee on Public Safety and Military Affairs and the Committee on Human Services

H.C.R. No. 165	Jointly to the Committee on Human Services and the Committee on Ways and Means	H.C.R. No. 282, H.D. 1	Jointly to the Committee on Judiciary and Government Operations and the Committee on Transportation, International and Intergovernmental Affairs
H.C.R. No. 166, H.D. 1	Committee on Tourism	H.C.R. No. 284	Committee on Economic Development and Technology
H.C.R. No. 167, H.D. 1	Committee on Education and Housing	H.C.R. No. 288, H.D. 1	Jointly to the Committee on Higher Education and the Committee on Energy and Environment
H.C.R. No. 169, H.D. 1	Committee on Public Safety and Military Affairs	H.C.R. No. 289, H.D. 1	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Judiciary and Government Operations
H.C.R. No. 173	Jointly to the Committee on Higher Education and the Committee on Public Safety and Military Affairs	H.C.R. No. 292, H.D. 1	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Transportation, International and Intergovernmental Affairs
H.C.R. No. 174	Committee on Transportation, International and Intergovernmental Affairs	H.C.R. No. 296	Committee on Economic Development and Technology
H.C.R. No. 181, H.D. 1	Committee on Water, Land, Agriculture, and Hawaiian Affairs	H.C.R. No. 297	Committee on Economic Development and Technology
H.C.R. No. 182	Committee on Water, Land, Agriculture, and Hawaiian Affairs	H.C.R. No. 298, H.D. 1	Jointly to the Committee on Economic Development and Technology and the Committee on Energy and Environment
H.C.R. No. 184, H.D. 1	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Ways and Means	H.C.R. No. 311, H.D. 1	Committee on Higher Education
H.C.R. No. 187	Committee on Public Safety and Military Affairs	H.C.R. No. 316, H.D. 2	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Ways and Means
H.C.R. No. 190	Committee on Public Safety and Military Affairs	H.C.R. No. 318, H.D. 1	Jointly to the Committee on Human Services and the Committee on Judiciary and Government Operations
H.C.R. No. 199, H.D. 1	Committee on Human Services	H.C.R. No. 319	Jointly to the Committee on Human Services and the Committee on Ways and Means
H.C.R. No. 200	Committee on Commerce and Consumer Protection	H.C.R. No. 320	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Ways and Means
H.C.R. No. 206	Committee on Transportation, International and Intergovernmental Affairs		
H.C.R. No. 209	Committee on Judiciary and Government Operations		
H.C.R. No. 212	Committee on Economic Development and Technology		
H.C.R. No. 216	Jointly to the Committee on Energy and Environment and the Committee on Transportation, International and Intergovernmental Affairs		
H.C.R. No. 223, H.D. 1	Committee on Public Safety and Military Affairs		
H.C.R. No. 224	Jointly to the Committee on Energy and Environment and the Committee on Economic Development and Technology		
H.C.R. No. 235, H.D. 2	Committee on Energy and Environment		
H.C.R. No. 237	Committee on Ways and Means		
H.C.R. No. 256	Committee on Human Services		
H.C.R. No. 262, H.D. 1	Committee on Human Services		
H.C.R. No. 278, H.D. 1	Jointly to the Committee on Public Safety and Military Affairs and the Committee on Judiciary and Government Operations		

ADJOURNMENT

At 11:53 a.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 12:00 p.m., Wednesday, April 14, 2010.