

FIFTY-THIRD DAY

Tuesday, April 20, 2010

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2010, convened at 11:38 a.m. with the President in the Chair.

The Divine Blessing was invoked by Ms. Page Kraker, Office of the Honorable Shan S. Tsutsui, Hawai'i State Senate, after which the Roll was called showing all Senators present with the exception of Senators Hemmings, Ihara, and Kim who were excused.

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

At this time, the following introduction was made to members of the Senate:

Senator Espero, on behalf of Senator Galuteria and himself, introduced a group of 2nd and 3rd grade students from Voyager Charter School, as well as teacher Mrs. Bonny Chikamori and chaperones Janet Ishol and Naomi Baretto.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 489 to 495) were read by the Clerk and were placed on file:

Gov. Msg. No. 489, informing the Senate that on April 19, 2010, the Governor signed into law Senate Bill No. 2117, S.D. 1 as Act 31, entitled: "RELATING TO EDUCATION."

Gov. Msg. No. 490, informing the Senate that on April 19, 2010, the Governor signed into law House Bill No. 2028, S.D. 1 as Act 32, entitled: "RELATING TO GROUP LIFE INSURANCE."

Gov. Msg. No. 491, informing the Senate that on April 19, 2010, the Governor signed into law Senate Bill No. 1178, S.D. 2, H.D. 2 as Act 33, entitled: "RELATING TO HEALTH."

Gov. Msg. No. 492, informing the Senate that on April 19, 2010, the Governor signed into law Senate Bill No. 2120, S.D. 1 as Act 34, entitled: "RELATING TO THE CERTIFICATION OF PRINCIPALS AND VICE-PRINCIPALS."

Gov. Msg. No. 493, informing the Senate that on April 19, 2010, the Governor signed into law Senate Bill No. 2837, S.D. 1, H.D. 1 as Act 35, entitled: "RELATING TO LICENSING."

Gov. Msg. No. 494, informing the Senate that on April 19, 2010, the Governor signed into law Senate Bill No. 2910, H.D. 1 as Act 36, entitled: "RELATING TO REAL PROPERTY."

Gov. Msg. No. 495, informing the Senate that on April 19, 2010, the Governor signed into law Senate Bill No. 2440, H.D. 2 as Act 37, entitled: "RELATING TO THE BOARDS OF WATER SUPPLY."

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 583 to 597) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 583, informing the Senate that on April 19, 2010, H.B. No. 1900, S.D. 1, C.D. 1 passed Final Reading in the House of Representatives, was placed on file.

Hse. Com. No. 584, informing the Senate that on April 19, 2010, the House agreed to the amendments proposed by the Senate to H.C.R. No. 64, and H.C.R. No. 64, S.D. 1 was finally adopted in the House of Representatives, was placed on file.

Hse. Com. No. 585, informing the Senate that on April 19, 2010, the House agreed to the amendments proposed by the Senate to H.B. No. 2016, and H.B. No. 2016, S.D. 1 passed Final Reading in the House of Representatives, was placed on file.

Hse. Com. No. 586, informing the Senate that on April 19, 2010, the House reconsidered its action taken on April 7, 2010, in disagreeing to the amendments proposed by the Senate to H.B. No. 2897, H.D. 1 (S.D. 1), was placed on file.

Hse. Com. No. 587, returning S.C.R. No. 78, S.D. 1, which was adopted by the House of Representatives on April 19, 2010, was placed on file.

Hse. Com. No. 588, returning S.C.R. No. 79, S.D. 1, which was adopted by the House of Representatives on April 19, 2010, was placed on file.

Hse. Com. No. 589, returning S.C.R. No. 99, which was adopted by the House of Representatives on April 19, 2010, was placed on file.

Hse. Com. No. 590, returning S.C.R. No. 126, which was adopted by the House of Representatives on April 19, 2010, was placed on file.

Hse. Com. No. 591, returning S.C.R. No. 167, S.D. 2, which was adopted by the House of Representatives on April 19, 2010, was placed on file.

Hse. Com. No. 592, returning S.C.R. No. 179, S.D. 2, which was adopted by the House of Representatives on April 19, 2010, was placed on file.

Hse. Com. No. 593, returning S.C.R. No. 194, which was adopted by the House of Representatives on April 19, 2010, was placed on file.

Hse. Com. No. 594, returning S.C.R. No. 18, S.D. 1, as amended in H.D. 1, which was adopted by the House of Representatives on April 19, 2010, was placed on file.

By unanimous consent, action on S.C.R. No. 18, S.D. 1, (H.D. 1), entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A JOINT LEGISLATIVE INVESTIGATING COMMITTEE TO OVERSEE THE INVESTIGATION OF THE DEPARTMENT OF BUDGET AND FINANCE'S HANDLING OF THE STATE'S INVESTMENT IN STUDENT LOAN AUCTION RATE SECURITIES," was deferred until Wednesday, April 21, 2010.

Hse. Com. No. 595, returning S.C.R. No. 110, S.D. 2, as amended in H.D. 1, which was adopted by the House of Representatives on April 19, 2010, was placed on file.

By unanimous consent, action on S.C.R. No. 110, S.D. 2, (H.D. 1), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A WORKING GROUP TO DEVELOP A COMPREHENSIVE PLAN TO IMPROVE AWARENESS OF AND STRENGTHEN SUPPORT FOR PERSONS WITH DYSLEXIA," was deferred until Wednesday, April 21, 2010.

Hse. Com. No. 596, returning S.C.R. No. 183, S.D. 1, as amended in H.D. 1, which was adopted by the House of Representatives on April 19, 2010, was placed on file.

By unanimous consent, action on S.C.R. No. 183, S.D. 1, (H.D. 1), entitled: "SENATE CONCURRENT RESOLUTION CONVENING A LEGISLATIVE NOISE POLLUTION TASK FORCE TO REVIEW BEST PRACTICES FROM OTHER STATES IN REDUCING URBAN NOISE POLLUTION," was deferred until Wednesday, April 21, 2010.

Hse. Com. No. 597, informing the Senate that on April 19, 2010, the Speaker appointed conferees on the part of the House for the consideration of amendments proposed by the House to the following Senate bill:

S.B. No. 2849, S.D. 2 (H.D. 1):

Representatives M. Oshiro, Rhoads, Co-Chairs; Yamashita, was placed on file.

CONFERENCE COMMITTEE REPORTS

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2077, H.D. 1, presented a report (Conf. Com. Rep. No. 9-10) recommending that H.B. No. 2077, 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. 9-10 and H.B. No. 2077, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2631, H.D. 2, presented a report (Conf. Com. Rep. No. 10-10) recommending that H.B. No. 2631, 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 Hawai'i, action on Conf. Com. Rep. No. 10-10 and H.B. No. 2631, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY INDUSTRY REPORTING," was deferred for a period of 48 hours.

Senator Takamine, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2533, H.D. 1, presented a report (Conf. Com. Rep. No. 11-10) recommending that H.B. No. 2533, 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 Hawai'i, action on Conf. Com. Rep. No. 11-10 and H.B. No. 2533, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT OF EMPLOYEES' RETIREMENT SYSTEM RETIRANTS," was deferred for a period of 48 hours.

Senator Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2566, presented a report (Conf. Com. Rep. No. 58-10) recommending that S.B. No. 2566, 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 Hawai'i, action on Conf. Com. Rep. No. 58-10 and S.B. No. 2566, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL AND REHABILITATION BENEFITS," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Hee, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3206) recommending that the Senate advise and consent to the nomination of RONALD I. HELLER to the Land Use Commission, in accordance with Gov. Msg. No. 340.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3206 and Gov. Msg. No. 340 was deferred until Wednesday, April 21, 2010.

Senator Hee, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3207) recommending that the Senate advise and consent to the nomination of RANSOM A.K. PILTZ to the Land Use Commission, in accordance with Gov. Msg. No. 341.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3207 and Gov. Msg. No. 341 was deferred until Wednesday, April 21, 2010.

Senator Hee, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3208) recommending that the Senate advise and consent to the nomination of DUANE KANUHA to the Land Use Commission, in accordance with Gov. Msg. No. 338.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3208 and Gov. Msg. No. 338 was deferred until Wednesday, April 21, 2010.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 3209) recommending that the Senate advise and consent to the nominations to the State Rehabilitation Council of the following:

DONALD THOMSON, in accordance with Gov. Msg. No. 414;

JUDITH CORYELL, in accordance with Gov. Msg. No. 447;

REGINA GOO, in accordance with Gov. Msg. No. 448;

GWEN L. KELIHOOMALU, in accordance with Gov. Msg. No. 449;

PINA S. LEMUSU, in accordance with Gov. Msg. No. 450;

HOWARD ALAN LESSER, in accordance with Gov. Msg. No. 451; and

ROBERT SCOTT WALL, in accordance with Gov. Msg. No. 452.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3209 and Gov. Msg. Nos. 414, 447, 448, 449, 450, 451, and 452 was deferred until Wednesday, April 21, 2010.

Senator Takamine, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3210) recommending that the Senate advise and consent to the nomination of NORMAN KENICHI KATO II to the Hawai'i Labor Relations Board, in accordance with Gov. Msg. No. 422.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3210 and Gov. Msg. No. 422 was deferred until Wednesday, April 21, 2010.

Senator Takamine, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3211) recommending that the Senate advise and consent to the nomination of JERRY RAUCKHORST to the Board of Trustees of the Employees' Retirement System (ERS), in accordance with Gov. Msg. No. 453.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3211 and Gov. Msg. No. 453 was deferred until Wednesday, April 21, 2010.

Senator Hee, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3212) recommending that H.C.R. No. 44 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3212 and H.C.R. No. 44, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE SALE OF STATE RECLAIMED LAND AT KAALAEA, KOOLAUPOKO, OAHU, FOR PRIVATE PROPERTY PURPOSES," was deferred until Wednesday, April 21, 2010.

Senator Hee, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3213) recommending that S.R. No. 12, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3213 and S.R. No. 12, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF A STATEWIDE SERVICE PROJECT TO PLANT ONE MILLION TREES AND CLEAN BEACHES ACROSS THE STATE BY OCTOBER 2010, AS PART OF THE CHILDREN AND YOUTH MONTH CELEBRATION," was deferred until Wednesday, April 21, 2010.

ORDER OF THE DAY

AGREE/DISAGREE

MATTERS DEFERRED FROM MONDAY, APRIL 19, 2010

S.C.R. No. 93, S.D. 1 (H.D. 1):

Senator Sakamoto moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 93, S.D. 1, seconded by Senator English.

Senator Sakamoto noted:

"The House had changed the resolution to have the HHFDC review and report back in lieu of the City, so we propose to agree to that."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 93, S.D. 1 and S.C.R. No. 93, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO REVIEW THE FEASIBILITY OF DEVELOPING SINGLE ROOM OCCUPANCY DWELLINGS IN TRANSIT ORIENTED DEVELOPMENT PROJECTS TO ALLEVIATE THE AFFORDABLE HOUSING SHORTAGE," was placed on the calendar for Final Adoption on Wednesday, April 21, 2010.

S.C.R. No. 202, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 202, S.D. 1 (H.D. 1), entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE MUTUAL CANCELLATION OF LEASE OF NON-EXCLUSIVE EASEMENT S-5252 AND ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS SITUATED AT LAPAAKEA, LAHAINA, MAUI, IDENTIFIED BY TAX MAP KEY: (2) 4-5-001:055; SEAWARD OF TAX MAP KEY: (2) 4-5-001:006," was deferred until Wednesday, April 21, 2010.

ADVISE AND CONSENT

Stand. Com. Rep. No. 3173 (Gov. Msg. Nos. 408, 429, 430, 431, and 432):

Senator Sakamoto moved that Stand. Com. Rep. No. 3173 be received and placed on file, seconded by Senator Kidani and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nominations to the Hawai'i Teacher Standards Board of the following:

ALVIN NAAWAO PARKER, term to expire June 30, 2013 (Gov. Msg. No. 408);

GAIL H. AWAKUNI, term to expire June 30, 2013 (Gov. Msg. No. 429);

LEONARDO FLORES DELGADO, term to expire June 30, 2012 (Gov. Msg. No. 430);

JONATHAN D. KISSIDA, term to expire June 30, 2013 (Gov. Msg. No. 431); and

RUTH L. SILBERSTEIN, term to expire June 30, 2013 (Gov. Msg. No. 432),

seconded by Senator Kidani.

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

Ayes, 21. Noes, none. Excused, 4 (Fukunaga, Hemmings, Ihara, Kim).

Stand. Com. Rep. No. 3174 (Gov. Msg. No. 383):

Senator Ige moved that Stand. Com. Rep. No. 3174 be received and placed on file, seconded by Senator Green and carried.

Senator Ige then moved that the Senate advise and consent to the nomination of KARL P. ESPALDON to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances, term to expire June 30, 2014, seconded by Senator Green.

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

Ayes, 21. Noes, none. Excused, 4 (Fukunaga, Hemmings, Ihara, Kim).

Stand. Com. Rep. No. 3175 (Gov. Msg. No. 417):

Senator Ige moved that Stand. Com. Rep. No. 3175 be received and placed on file, seconded by Senator Green and carried.

Senator Ige then moved that the Senate advise and consent to the nomination of ELLEN ALISSA HEID to the Mental Health and Substance Abuse, Oahu Service Area Board, term to expire June 30, 2014, seconded by Senator Green.

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

Ayes, 21. Noes, none. Excused, 4 (Fukunaga, Hemmings, Ihara, Kim).

Stand. Com. Rep. No. 3176 (Gov. Msg. Nos. 348 and 349):

Senator Ige moved that Stand. Com. Rep. No. 3176 be received and placed on file, seconded by Senator Green and carried.

Senator Ige then moved that the Senate advise and consent to the nominations to the State Council on Developmental Disabilities of the following:

TIFFANY R. VARA, term to expire June 30, 2011 (Gov. Msg. No. 348); and

BARBARA A. IOLI, term to expire June 30, 2014 (Gov. Msg. No. 349),

seconded by Senator Green.

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

Ayes, 21. Noes, none. Excused, 4 (Fukunaga, Hemmings, Ihara, Kim).

Stand. Com. Rep. No. 3177 (Gov. Msg. No. 350):

Senator Ige moved that Stand. Com. Rep. No. 3177 be received and placed on file, seconded by Senator Green and carried.

Senator Ige then moved that the Senate advise and consent to the nomination of COLLEEN O'SULLIVAN to the Mental Health and Substance Abuse, Hawai'i Service Area Board, term to expire June 30, 2011, seconded by Senator Green.

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

Ayes, 21. Noes, none. Excused, 4 (Fukunaga, Hemmings, Ihara, Kim).

Stand. Com. Rep. No. 3178 (Gov. Msg. Nos. 437, 438, 439, and 440):

Senator Ige moved that Stand. Com. Rep. No. 3178 be received and placed on file, seconded by Senator Green and carried.

Senator Ige then moved that the Senate advise and consent to the nominations to the Board of Certification of Operating Personnel in Wastewater Treatment Plants of the following:

RONALD G. HAY, term to expire June 30, 2012 (Gov. Msg. No. 437);

LEE A. MANSFIELD, term to expire June 30, 2014 (Gov. Msg. No. 438);

AUDREY K. UYEMA PAK, term to expire June 30, 2011 (Gov. Msg. No. 439); and

VIRGILIO A. VIERNES, term to expire June 30, 2013 (Gov. Msg. No. 440),

seconded by Senator Green.

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

Ayes, 21. Noes, none. Excused, 4 (Fukunaga, Hemmings, Ihara, Kim).

Stand. Com. Rep. No. 3179 (Gov. Msg. Nos. 441 and 442):

Senator Ige moved that Stand. Com. Rep. No. 3179 be received and placed on file, seconded by Senator Green and carried.

Senator Ige then moved that the Senate advise and consent to the nominations to the Mental Health and Substance Abuse, Maui Service Area Board of the following:

ELOISE JOEY ENOS, term to expire June 30, 2014 (Gov. Msg. No. 441); and

PETER GONZALEZ, term to expire June 30, 2011 (Gov. Msg. No. 442),

seconded by Senator Green.

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

Ayes, 21. Noes, none. Excused, 4 (Fukunaga, Hemmings, Ihara, Kim).

Stand. Com. Rep. No. 3180 (Gov. Msg. Nos. 369 and 370):

Senator Takamine moved that Stand. Com. Rep. No. 3180 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Takamine then moved that the Senate advise and consent to the nominations to the Hawai'i Workforce Development Council of the following:

ALENA N. MEDEIROS, term to expire June 30, 2010 (Gov. Msg. No. 369); and

ALENA N. MEDEIROS, term to expire June 30, 2014 (Gov. Msg. No. 370),

seconded by Senator Taniguchi.

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

Ayes, 21. Noes, none. Excused, 4 (Fukunaga, Hemmings, Ihara, Kim).

FINAL READING

S.B. No. 2323, H.D. 2:

On motion by Senator Takamine, seconded by Senator Taniguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2323, and S.B. No. 2323, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 1 (Slom). Excused, 4 (Fukunaga, Hemmings, Ihara, Kim).

At this time, Senator Green rose on a point of personal privilege as follows:

"We're having a high-fat, high-sugar, high-cholesterol bake sale for tomorrow, and we have one vegan item for him. Thank you, Madam President."

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.

"Conferees will be named in accordance with the Action Sheets to be distributed to your offices later this afternoon."

APPOINTMENT OF CONFEREES

S.B. No. 2849, S.D. 2 (H.D. 1):

The President appointed Senator Kokubun as an additional manager 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. 2849, S.D. 2.

ADJOURNMENT

At 11:48 a.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Wednesday, April 21, 2010.