

FOURTEENTH DAY

Wednesday, February 9, 2011

The Senate of the Twenty-Sixth Legislature of the State of Hawai'i, Regular Session of 2011, convened at 11:34 a.m. with the President in the Chair.

The Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Thirteenth Day.

At this time, Senator Kim recognized and congratulated William "Buzzy" Hong for his lifetime achievements in public service and his retirement as the Executive Director of the Building and Construction Trade Council AFL-CIO. Mr. Hong was accompanied by Linda Garrett, Chad Tomas, Milton Amos, and Kika Bukoski.

Senator Galuteria also acknowledged Mr. Hong for his service in the community and many years of football coaching.

Senator Slom noted that Mr. Hong was a unique individual, a leader in the community, and true "treasure" who had been generous with his time and resources and had done so much for the community.

Senator Solomon extended congratulations to Mr. Hong for being a person of integrity and compassion who always looked for what was best for Hawai'i and for thinking thoughts imbued with feelings of aloha, lōkahi, and kōkua.

Senator Ryan also recognized Mr. Hong as being a very supportive person who was loved and respected by the people who know him.

Senator Hee congratulated Mr. Hong and noted that he was a Roosevelt graduate and a true Hawaiian.

At 11:44 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:50 a.m.

STANDING COMMITTEE REPORTS

Senator English, for the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 44) recommending that S.B. No. 1325 pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1325, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senators Espero and English, for the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Transportation and International Affairs, presented a joint report (Stand. Com. Rep. No. 45) recommending that S.B. No. 164, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 164, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY ADMINISTRATION," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 46) recommending that S.B. No. 121, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 121, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Espero and English, for the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Transportation and International Affairs, presented a joint report (Stand. Com. Rep. No. 47) recommending that S.B. No. 823 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 823, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 48) recommending that S.B. No. 601, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 601, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 49) recommending that S.B. No. 1115, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1115, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR SAINT LOUIS SCHOOL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 50) recommending that S.B. No. 238, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 238, S.D. 1, 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 Committee on Education, presented a report (Stand. Com. Rep. No. 51) recommending that S.B. No. 809 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 809, 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 Committee on Education, presented a report (Stand. Com. Rep. No. 52) recommending that S.B. No. 242 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 242, 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 English, for the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 53) recommending that S.B. No. 35 pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 35, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 54) recommending that S.B. No. 656, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 656, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 11, 2011.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 55) recommending that S.B. No. 1386, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1386, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 11, 2011.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 56) recommending that S.B. No. 1281, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1281, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 11, 2011.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 57) recommending that S.B. No. 254, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 254, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS COURT," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators English and Baker, for the Committee on Transportation and International Affairs and the Committee on Commerce and Consumer Protection, presented a joint report (Stand. Com. Rep. No. 58) recommending that S.B. No. 30 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 30, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 59) recommending that S.B. No. 1286, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1286, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 11, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 60) recommending that S.B. No. 1288, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1288, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 11, 2011.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 61) recommending that S.B. No. 244 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 244, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 10, 2011.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 62) recommending that S.B. No. 1171 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1171, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 10, 2011.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 63) recommending that the Senate advise and consent to the nomination of DWIGHT TAKAMINE as the Director of the Department of Labor and Industrial Relations, in accordance with Gov. Msg. No. 512.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 63 and Gov. Msg. No. 512 was deferred until Thursday, February 10, 2011.

ORDER OF THE DAY**ADVISE AND CONSENT**

Stand. Com. Rep. No. 21 (Gov. Msg. No. 505):

Senator Baker moved that Stand. Com. Rep. No. 21 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of KEALIILALANIKULANI S. LOPEZ as the Director of the Department of Commerce and Consumer Affairs, term to expire December 1, 2014, seconded by Senator Taniguchi.

Senator Baker rose in support of the nominee as follows:

“Your committee received overwhelmingly positive, supportive testimony on behalf of Ms. Lopez’s nomination. Clearly she has strong support from many sectors: business, nonprofits, education, telecommunications, former staff and colleagues, and community groups. Statement after statement noted her personal qualities of integrity, leadership, and successful stewardship of ‘Ōlelo’s resources during her tenure as its CEO. ‘Ōlelo, by the way, is the nation’s largest community media center.

“One testifier put it this way: ‘In Keali’i, the DCCA will gain a unique individual with strong leadership skills, a visionary with practical experience in building and running an excellent large organization, and a leader who has a passion for making Hawai’i a better place. Among her strengths are an incredible work ethic and the ability to both grasp the essence of complex issues while paying attention to details. She is a voracious reader with an insatiable appetite for knowledge and a keen understanding of how technology can be leveraged to improve business processes. More importantly, she knows the value of teamwork and how to bring diverse, often opposing, groups of stakeholders together to drive toward a common goal.’

“One supporter told the committee that Ms. Lopez ‘deserved confirmation’ because she has the ability to navigate the nuances of protecting consumers while being fair to business. It is a tenuous balance, but one that an excellent DCCA director must achieve.

“Your committee unanimously agreed that this thoughtful, analytical, pragmatic, visionary—a keiki o ka ‘āina—is well-suited to lead the DCCA. I urge all my colleagues to join me to advise and consent to Governor’s Message 505. Mahalo.”

Senator Solomon rose in support of the nominee as follows:

“Mr. President, I’d like to incorporate the previous speaker’s words as though they were my own, and I just would like to add this note, Mr. President: During Ms. Lopez’s hearing, I did bring up the mana’o that her name is of great significance: Keali’ilalanikulani. Just from a literal translation, it’s a chief title that comes from the highest heaven. So, I think that her resume, it really exemplifies those characteristics and, of course, I feel that this mana’o would definitely express a new direction for this department because as you know, Mr. President, this is the department that works with all the private sector. This is the department that really guides our economic mobility, as well as our accomplishments. So, with that well said, I’m looking forward to working with her in the future. Thank you. Aloha.”

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

Ayes, 25. Noes, none.

At this time, Senator Baker introduced Director Keali’i Lopez, who was accompanied by her husband David, sons Kahuakaali’i and Eleazar, mother Lalani Segool, and sister Kapua Segool.

At 11:56 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:01 p.m.

Senator Gabbard rose on a point of personal privilege and said:

“President and colleagues, I don’t know if you are aware of this, but on the Monday night edition of *Hawaii Five-0*, I happened to see one of our colleagues sitting in the right hand corner, and it was Senator Kidani. I had to rewind a couple times just to make sure, but lo-and-behold! There she was; and I did not realize that she had acting skills, sort of, but congratulations on your acting debut, Senator.”

Senator Tokuda rose on a point of personal privilege and said:

“On a day that we’ve been doing a lot of congratulations, I did want to rise on a point of personal privilege and congratulate Don Horner, the Chief Executive Officer for First Hawaiian Bank, who just about an hour ago became the Governor’s very first appointment to the Board of Education, taking over Lei Ahu Isa’s position. This actually does not need advise and consent and he is able to begin serving immediately. So, I did want to congratulate Mr. Horner. He has extensive public and private school involvement. As many of you do know, he was vice chair of the DOE’s interagency group that actually implemented Act 51. He’s been advising the superintendent on her advisory council, as well as helping out our School of Nursing and our Shidler College of Business.

“I believe this is a positive sign of good things to come, and both Chair Takumi and I are really looking forward to working closely with him. I would also like to commend the House for working quickly on our S.B. No. 8. It’s set to pass out of committee today, and I’m told that Finance will be hearing it first thing next week, so theoretically in about a week-and-a-half to two weeks, the Governor could have a bill in which he can begin to start appointing members to the Board of Education. Again, my commendations to Mr. Horner. Thank you.”

At this time, the Chair made the following announcement:

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

RE-REFERRAL OF A SENATE BILL

The Chair re-referred the following Senate bill that was introduced:

S.B. No.:	Re-referred to:
S.B. No. 698	Committee on Transportation and International Affairs, then to the Committee on Ways and Means

ADJOURNMENT

At 12:05 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Thursday, February 10, 2011.