

FIFTY-SECOND DAY

Thursday, April 19, 2012

The Senate of the Twenty-Sixth Legislature of the State of Hawai'i, Regular Session of 2012, convened at 11:33 a.m. with the President in the Chair.

The Roll was called showing all Senators present with the exception of Senator Kouchi who was excused.

The President announced that he had read and approved the Journal of the Fifty-First Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 1121 to 1128) were read by the Clerk and were placed on file:

Gov. Msg. No. 1121, informing the Senate that on April 17, 2012, the Governor signed into law Senate Bill No. 2971 as Act 21, entitled: "RELATING TO VEHICLES."

Gov. Msg. No. 1122, informing the Senate that on April 17, 2012, the Governor signed into law Senate Bill No. 2518, S.D. 1 as Act 22, entitled: "RELATING TO MOTOR AND OTHER VEHICLES."

Gov. Msg. No. 1123, informing the Senate that on April 17, 2012, the Governor signed into law Senate Bill No. 2650, S.D. 1 as Act 23, entitled: "RELATING TO PROMOTION OF CONTROLLED SUBSTANCES."

Gov. Msg. No. 1124, informing the Senate that on April 17, 2012, the Governor signed into law House Bill No. 1965 as Act 24, entitled: "RELATING TO CONTINUING EDUCATION FOR PHARMACISTS."

Gov. Msg. No. 1125, informing the Senate that on April 17, 2012, the Governor signed into law Senate Bill No. 2503, S.D. 1, H.D. 1 as Act 25, entitled: "RELATING TO ANIMAL CRUELTY."

Gov. Msg. No. 1126, informing the Senate that on April 17, 2012, the Governor signed into law House Bill No. 2181 as Act 26, entitled: "RELATING TO VACANCIES."

Gov. Msg. No. 1127, informing the Senate that on April 17, 2012, the Governor signed into law House Bill No. 2587, H.D. 1 as Act 27, entitled: "RELATING TO SAILING SCHOOL VESSELS."

Gov. Msg. No. 1128, informing the Senate that on April 17, 2012, the Governor signed into law House Bill No. 2533, H.D. 2 as Act 28, entitled: "RELATING TO THE DEFINITION OF AGGRAVATED CIRCUMSTANCES IN THE CHILD PROTECTIVE ACT."

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 622 to 629) were read by the Clerk and were placed on file:

Hse. Com. No. 622, informing the Senate that on April 18, 2012, the Speaker appointed conferees on the part of the House for the consideration of amendments proposed by the Senate to the following House bills:

H.B. No. 1764, H.D. 1 (S.D. 1):

Representatives Rhoads, Keith-Agaran, co-chairs; Johanson.

H.B. No. 1765, H.D. 2 (S.D. 1):

Representatives Rhoads, Keith-Agaran, Yamashita, co-chairs; Fontaine.

Hse. Com. No. 623, informing the Senate that on April 18, 2012, 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. 1269, S.D. 2 (H.D. 2):

Representatives Rhoads, Oshiro, co-chairs; Yamashita, Fontaine.

Hse. Com. No. 624, informing the Senate that on April 18, 2012, the House reconsidered its action taken on April 3, 2012, in disagreeing to the amendments proposed by the Senate to H.B. No. 2497 (S.D. 1).

Hse. Com. No. 625, informing the Senate that 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 on April 18, 2012:

H.B. No. 238, H.D. 2, S.D. 1;
H.B. No. 425, H.D. 3, S.D. 2;
H.B. No. 2013, H.D. 2, S.D. 1;
H.B. No. 2436, H.D. 1, S.D. 1; and
H.B. No. 2564, H.D. 1, S.D. 1.

Hse. Com. No. 626, informing the Senate that on April 18, 2011, 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. 1065, S.D. 1 (H.D. 1):

Representatives Rhoads, Aquino, Oshiro, co-chairs; Cullen, Fontaine.

Hse. Com. No. 627, informing the Senate that on April 18, 2012, 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. 2927, S.D. 2 (H.D. 1):

Representatives Chang, Cabanilla, McKelvey, Souki, Har, co-chairs; Pine.

Hse. Com. No. 628, informing the Senate that on April 18, 2011, 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. 155, S.D. 2 (H.D. 1):

Representatives Herkes, Keith-Agaran, Tokioka, co-chairs; Chang, Marumoto.

Hse. Com. No. 629, informing the Senate that on April 18, 2012, the House made the following changes to the conferees on the following bill:

H.B. No. 2569, H.D. 2 (S.D. 1):

Representative Thielen replaced Representative Fontaine as conferee.

STANDING COMMITTEE REPORTS

Senator Hee, for the majority of the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 3535) recommending that the Senate advise and consent to the nominations to the Civil Rights Commission of the following:

WALLACE FUKUNAGA, in accordance with Gov. Msg. No. 645; and

KIM COCO IWAMOTO, in accordance with Gov. Msg. No. 646.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3535 and Gov. Msg. Nos. 645 and 646 was deferred until Friday, April 20, 2012.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 3536) recommending that the Senate advise and consent to the nominations to the Board of Agriculture of the following:

LYNN DECOITE, in accordance with Gov. Msg. No. 826; and

GLENN HONG, in accordance with Gov. Msg. No. 827.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3536 and Gov. Msg. Nos. 826 and 827 was deferred until Friday, April 20, 2012.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 3537) recommending that the Senate advise and consent to the nominations to the Board of Directors of the Agribusiness Development Corporation of the following:

PATRICK KOBAYASHI, in accordance with Gov. Msg. No. 863;

DEREK KURISU, in accordance with Gov. Msg. No. 864; and

LETITIA UYEHARA, in accordance with Gov. Msg. No. 865.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3537 and Gov. Msg. Nos. 863, 864, and 865 was deferred until Friday, April 20, 2012.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 3538) recommending that the Senate advise and consent to the nominations to the Advisory Committee on Pesticides of the following:

PATRICK BILY, in accordance with Gov. Msg. No. 873;

QING XIAO LI, in accordance with Gov. Msg. No. 874; and

REBECCA CAROL TAYLOR, in accordance with Gov. Msg. No. 875.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3538 and Gov. Msg. Nos. 873, 874, and 875 was deferred until Friday, April 20, 2012.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 3539) recommending that H.C.R. No. 142 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3539 and H.C.R. No. 142, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT HONOKAWAI, LAHAINA, MAUI, FOR SEAWALL PURPOSES," was deferred until Friday, April 20, 2012.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 3540) recommending that H.C.R. No. 143, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3540 and H.C.R. No. 143, S.D. 1, entitled: "HOUSE

CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT, COVERING A PORTION OF STATE SUBMERGED LANDS AT MAHINAHINA, LAHAINA, MAUI, FOR RUBBLE ROCK REVETMENT PURPOSES," was deferred until Friday, April 20, 2012.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 3541) recommending that H.C.R. No. 162 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3541 and H.C.R. No. 162, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE GRANT OF A FIFTY-FIVE YEAR TERM FOR A NON-EXCLUSIVE EASEMENT TO KOOLAU PROPERTIES, LLC, FOR SEAWALL PURPOSES AT SPRECKLESVILLE BEACH LOTS, WAILUKU, MAUI, AS APPROVED BY THE BOARD OF LAND AND NATURAL RESOURCES," was deferred until Friday, April 20, 2012.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3506 (Gov. Msg. Nos. 706, 707, 708, 709, and 710):

Senator Green moved that Stand. Com. Rep. No. 3506 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nominations to the Health Planning Council, Kaua'i Subarea of the following:

BRIAN CARTER, term to expire June 30, 2015 (Gov. Msg. No. 706);

CHARLOTTE CARVALHO, term to expire June 30, 2016 (Gov. Msg. No. 707);

PIIKEYA KEYES-SAIKI, term to expire June 30, 2015 (Gov. Msg. No. 708);

BETTY MOORE, term to expire June 30, 2016 (Gov. Msg. No. 709); and

DEANNA STARINIERI, term to expire June 30, 2015 (Gov. Msg. No. 710),

seconded by Senator Nishihara.

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3507 (Gov. Msg. Nos. 711, 712, 713, 714, and 715):

Senator Green moved that Stand. Com. Rep. No. 3507 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nominations to the Health Planning Council, Tri-Isle Subarea of the following:

JO-ANN AHUNA, term to expire June 30, 2014 (Gov. Msg. No. 711);

MARY CATIEL, term to expire June 30, 2016 (Gov. Msg. No. 712);

RUSSELL JOHNSON, term to expire June 30, 2015 (Gov. Msg. No. 713);

MAUREEN NAGANUMA, term to expire June 30, 2015 (Gov. Msg. No. 714); and

WILLIAM THOMAS JR., term to expire June 30, 2016 (Gov. Msg. No. 715),

seconded by Senator Nishihara.

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3508 (Gov. Msg. Nos. 716, 717, 719, and 720):

Senator Green moved that Stand. Com. Rep. No. 3508 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nominations to the Health Planning Council, West O'ahu Subarea of the following:

NANCY FRAZIER, term to expire June 30, 2016 (Gov. Msg. No. 716);

ROBERT LUMAS, term to expire June 30, 2015 (Gov. Msg. No. 717);

JILL TAMASHIRO, term to expire June 30, 2015 (Gov. Msg. No. 719); and

LESLIE TANOUE, term to expire June 30, 2016 (Gov. Msg. No. 720),

seconded by Senator Nishihara.

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3509 (Gov. Msg. Nos. 721, 722, and 723):

Senator Green moved that Stand. Com. Rep. No. 3509 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nominations to the Health Planning Council, Windward O'ahu Subarea of the following:

OCTAVIUS GONZAGA, term to expire June 30, 2015 (Gov. Msg. No. 721);

MEGAN HAGIWARA, term to expire June 30, 2015 (Gov. Msg. No. 722); and

MARIA PACHECO, term to expire June 30, 2015 (Gov. Msg. No. 723),

seconded by Senator Nishihara.

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3510 (Gov. Msg. No. 756):

Senator Green moved that Stand. Com. Rep. No. 3510 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nomination of LILIAN STODDARD to the Board of Certification of Operating Personnel in Wastewater Treatment

Plants, term to expire June 30, 2015, seconded by Senator Nishihara.

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3511 (Gov. Msg. Nos. 789, 790, 791, and 792):

Senator Green moved that Stand. Com. Rep. No. 3511 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nominations to the Statewide Health Coordinating Council of the following:

LAURA COLBERT, term to expire June 30, 2016 (Gov. Msg. No. 789);

LEONARD LICINA, term to expire June 30, 2016 (Gov. Msg. No. 790);

CHRISTOPHER SIBLEY, term to expire June 30, 2013 (Gov. Msg. No. 791); and

CLINTON YEE, term to expire June 30, 2015 (Gov. Msg. No. 792),

seconded by Senator Nishihara.

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3512 (Gov. Msg. Nos. 800, 801, 802, 803, and 804):

Senator Green moved that Stand. Com. Rep. No. 3512 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nominations to the Emergency Medical Services Advisory Committee of the following:

ERIC ISHIDA, term to expire June 30, 2016 (Gov. Msg. No. 800);

ALAN KIMURA, term to expire June 30, 2016 (Gov. Msg. No. 801);

WILLIAM LEE, term to expire June 30, 2016 (Gov. Msg. No. 802);

THINH NGUYEN, term to expire June 30, 2015 (Gov. Msg. No. 803); and

CHRIS ROSE, term to expire June 30, 2016 (Gov. Msg. No. 804),

seconded by Senator Nishihara.

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3513 (Gov. Msg. Nos. 887, 888, 889, and 890):

Senator Green moved that Stand. Com. Rep. No. 3513 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nominations to the Statewide Health Coordinating Council of the following:

KATHLEEN CLARK, term to expire June 30, 2016 (Gov. Msg. No. 887);

WAYNE HIGAKI, term to expire June 30, 2014 (Gov. Msg. No. 888);

KEITH LEE, term to expire June 30, 2016 (Gov. Msg. No. 889); and

FREDERICK SHAW, term to expire June 30, 2015 (Gov. Msg. No. 890),

seconded by Senator Nishihara.

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3514 (Gov. Msg. Nos. 538, 539, 541, 542, 601, and 602):

Senator Green moved that Stand. Com. Rep. No. 3514 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nominations to the Statewide Health Coordinating Council of the following:

ELAINE SLAVINSKY, term to expire June 30, 2016 (Gov. Msg. No. 538);

EMMET WHITE, term to expire June 30, 2015 (Gov. Msg. No. 539);

THOMAS SCOTT GALLACHER, term to expire June 30, 2014 (Gov. Msg. No. 541);

BONNIE LEE PANG, term to expire June 30, 2015 (Gov. Msg. No. 542);

FREDERICK ROHLFING, term to expire June 30, 2016 (Gov. Msg. No. 601); and

JILL MIYAMURA, term to expire June 30, 2016 (Gov. Msg. No. 602),

seconded by Senator Nishihara.

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3515 (Gov. Msg. No. 544):

Senator Green moved that Stand. Com. Rep. No. 3515 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nomination of MONICA CONTRADES to the Mental Health and Substance Abuse, Kaua'i Service Area Board, term to expire June 30, 2015, seconded by Senator Nishihara.

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3516 (Gov. Msg. Nos. 545, 546, 547, and 548):

Senator Green moved that Stand. Com. Rep. No. 3516 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green 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:

MICHAEL ZARATE, term to expire June 30, 2013 (Gov. Msg. No. 545);

SUSAN KING, term to expire June 30, 2016 (Gov. Msg. No. 546);

ALFRED ARENSDORF, term to expire June 30, 2016 (Gov. Msg. No. 547); and

KEVIN BLOCK, term to expire June 30, 2015 (Gov. Msg. No. 548),

seconded by Senator Nishihara.

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3517 (Gov. Msg. Nos. 549, 550, 551, and 552):

Senator Green moved that Stand. Com. Rep. No. 3517 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nominations to the Mental Health and Substance Abuse, O'ahu Service Area Board of the following:

DANIEL EINEKER, term to expire June 30, 2016 (Gov. Msg. No. 549);

PATRICK BROWN, term to expire June 30, 2014 (Gov. Msg. No. 550);

LESTER FUNG, term to expire June 30, 2015 (Gov. Msg. No. 551); and

TARYN DEAN, term to expire June 30, 2015 (Gov. Msg. No. 552),

seconded by Senator Nishihara.

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3518 (Gov. Msg. Nos. 553, 555, 556, and 594):

Senator Green moved that Stand. Com. Rep. No. 3518 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nominations to the State Council on Mental Health of the following:

SANDRA SIMMS, term to expire June 30, 2014 (Gov. Msg. No. 553);

CHAD KOYANAGI, term to expire June 30, 2016 (Gov. Msg. No. 555);

HAAHEO MANSFIELD, term to expire June 30, 2016 (Gov. Msg. No. 556); and

TYRA DU BOSE, term to expire June 30, 2016 (Gov. Msg. No. 594),

seconded by Senator Nishihara.

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3519 (Gov. Msg. No. 554):

Senator Green moved that Stand. Com. Rep. No. 3519 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nomination of SUSAN FOARD to the State Council on Mental Health, term to expire June 30, 2015, seconded by Senator Nishihara.

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3520 (Gov. Msg. No. 595):

Senator Green moved that Stand. Com. Rep. No. 3520 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nomination of LAWRENCE WALTER to the Mental Health and Substance Abuse, Hawai'i Service Area Board, term to expire June 30, 2016, seconded by Senator Nishihara.

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3521 (Gov. Msg. No. 672):

Senator Green moved that Stand. Com. Rep. No. 3521 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nomination of PAULA MORELLI to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances, term to expire June 30, 2015, seconded by Senator Nishihara.

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3522 (Gov. Msg. Nos. 693, 694, 695, 696, 697, and 698):

Senator Green moved that Stand. Com. Rep. No. 3522 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nominations to the Health Planning Council, Hawai'i County Subarea of the following:

WAYNE HIGAKI, term to expire June 30, 2015 (Gov. Msg. No. 693);

ALAN PARKER, term to expire June 30, 2015 (Gov. Msg. No. 694);

CHRISTOPHER SCHLUETER, term to expire June 30, 2016 (Gov. Msg. No. 695);

SHERI SHAW, term to expire June 30, 2015 (Gov. Msg. No. 696);

SHEILA NICHOLAS-SMITH, term to expire June 30, 2015 (Gov. Msg. No. 697); and

ANNE STURGIS, term to expire June 30, 2015 (Gov. Msg. No. 698),

seconded by Senator Nishihara.

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3523 (Gov. Msg. No. 701):

Senator Green moved that Stand. Com. Rep. No. 3523 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nomination of KEITH LEE to the Health Planning Council, Honolulu Subarea, term to expire June 30, 2015, seconded by Senator Nishihara.

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3524 (Gov. Msg. Nos. 740 and 741):

Senator Tokuda moved that Stand. Com. Rep. No. 3524 be received and placed on file, seconded by Senator Kidani and carried.

Senator Tokuda then moved that the Senate advise and consent to the nominations to the Center for Nursing Advisory Board of the following:

BETH HOBAN, term to expire June 30, 2014 (Gov. Msg. No. 740); and

LORI KANESHIGE, term to expire June 30, 2014 (Gov. Msg. No. 741),

seconded by Senator Kidani.

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3525 (Gov. Msg. Nos. 817 and 819):

Senator Tokuda moved that Stand. Com. Rep. No. 3525 be received and placed on file, seconded by Senator Kidani and carried.

Senator Tokuda then moved that the Senate advise and consent to the nominations to the Board of Education of the following:

KEITH AMEMIYA, term to expire June 30, 2015 (Gov. Msg. No. 817); and

CHERYL LUPENUI, term to expire June 30, 2015 (Gov. Msg. No. 819),

seconded by Senator Kidani.

Senator Tokuda rose to speak in support of the nominees as follows:

“The last 12 months have literally been a trial by fire year for our Board of Education members, and they’ve—thankfully for us—willingly stepped forward to serve their first full terms. From adopting rigorous college and career readiness diplomas, to passing a performance management system tied to student growth, to focusing on the adoption of the common core standards, as well as tackling budget challenges ranging from

school bus transportation to school lunch costs—Keith Amemiya, Cheryl Lupenui, and Nancy Budd are all willing to serve yet another term on the Board of Education. I know there is much more ahead of them that needs to be done, and we are looking forward to their first three-year term serving us in this capacity. I strongly encourage your support of these individuals. Thank you.”

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3526 (Gov. Msg. No. 818):

Senator Tokuda moved that Stand. Com. Rep. No. 3526 be received and placed on file, seconded by Senator Kidani and carried.

Senator Tokuda then moved that the Senate advise and consent to the nomination of NANCY BUDD to the Board of Education, term to expire June 30, 2015, seconded by Senator Kidani.

Senator Tokuda rose to speak in support of the nominee as follows:

“The last 12 months have literally been a trial by fire year for our Board of Education members, and they’ve—thankfully for us—willingly stepped forward to serve their first full terms. From adopting rigorous college and career readiness diplomas, to passing a performance management system tied to student growth, to focusing on the adoption of the common core standards, as well as tackling budget challenges ranging from school bus transportation to school lunch costs—Keith Amemiya, Cheryl Lupenui, and Nancy Budd are all willing to serve yet another term on the Board of Education. I know there is much more ahead of them that needs to be done, and we are looking forward to their first three-year term serving us in this capacity. I strongly encourage your support of these individuals. Thank you.”

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3527 (Gov. Msg. Nos. 838 and 839):

Senator Tokuda moved that Stand. Com. Rep. No. 3527 be received and placed on file, seconded by Senator Kidani and carried.

Senator Tokuda then moved that the Senate advise and consent to the nominations to the Western Interstate Commission for Higher Education of the following:

FRANCISCO HERNANDEZ, term to expire June 30, 2013 (Gov. Msg. No. 838); and

CAROL MON LEE, term to expire June 30, 2016 (Gov. Msg. No. 839),

seconded by Senator Kidani.

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3528 (Gov. Msg. Nos. 911, 912, 913, 914, 915, 916, and 917):

Senator Kim moved that Stand. Com. Rep. No. 3528 be received and placed on file, seconded by Senator Galuteria and carried.

Senator Kim 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:

JACK CORTEWAY, term to expire June 30, 2016 (Gov. Msg. No. 911);

VICTOR KIMURA, term to expire June 30, 2014 (Gov. Msg. No. 912);

MICHAEL KOBAYASHI, term to expire June 30, 2014 (Gov. Msg. No. 913);

AARON SALA, term to expire June 30, 2016 (Gov. Msg. No. 914);

LORRIE STONE, term to expire June 30, 2016 (Gov. Msg. No. 915);

RONALD WILLIAMS, term to expire June 30, 2014 (Gov. Msg. No. 916); and

DAVID RAE, term to expire June 30, 2016 (Gov. Msg. No. 917),

seconded by Senator Galuteria.

Senator Kim rose to speak in support of the nominees as follows:

“Mr. President, these are the appointments to the Hawai‘i Tourism Authority, and all of them have been highly qualified. We have a diverse group of individuals that’s been appointed. Your Committee on Tourism had the hearing, and we unanimously recommend that the Senate advise and consent.

“Members, you have been sent their vision statements, so if you have time I hope that you will read them and look at them, but all of them, we feel, will make very good appointments to the Hawai‘i Tourism Authority. Thank you.”

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3529 (Gov. Msg. No. 557):

Senator Hee moved that Stand. Com. Rep. No. 3529 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of CHERYL MARLOW as the Compact Administrator for the Interstate Commission for Adult Offender Supervision, term to expire June 30, 2015, seconded by Senator Shimabukuro.

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3530 (Gov. Msg. Nos. 558 and 559):

Senator Hee moved that Stand. Com. Rep. No. 3530 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nominations to the Defender Council of the following:

DAVID KUWAHARA, term to expire June 30, 2015 (Gov. Msg. No. 558); and

PHILIP LOWENTHAL, term to expire June 30, 2015 (Gov. Msg. No. 559),

seconded by Senator Shimabukuro.

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3531 (Gov. Msg. Nos. 562, 563, 564, 565, and 566):

Senator Hee moved that Stand. Com. Rep. No. 3531 be received and placed on file, seconded by Senator Shimabukuro and carried.

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

ARUN SAVARA, term to expire June 30, 2015 (Gov. Msg. No. 562);

JEFF THOMPSON, term to expire June 30, 2015 (Gov. Msg. No. 563);

VICKI GAYNOR, term to expire June 30, 2015 (Gov. Msg. No. 564);

ROBERT MARTIN, JR., term to expire June 30, 2015 (Gov. Msg. No. 565); and

PAUL RICHARDS, term to expire June 30, 2014 (Gov. Msg. No. 566),

seconded by Senator Shimabukuro.

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3532 (Gov. Msg. No. 598):

Senator Hee moved that Stand. Com. Rep. No. 3532 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of MICHAEL SOONG to the Defender Council, term to expire June 30, 2015, seconded by Senator Shimabukuro.

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Solomon).

Stand. Com. Rep. No. 3533 (Gov. Msg. No. 560):

By unanimous consent, action on Stand. Com. Rep. No. 3533 and Gov. Msg. No. 560 was deferred until Wednesday, April 25, 2012.

At this time, Senator Kim introduced newly confirmed Hawai'i Tourism Authority (HTA) board members Jack Corteway, Victor Kimura, Ron Williams, and David Rae, as well as HTA Executive Director Mike McCartney.

MISCELLANEOUS BUSINESS

WAIVERS OF REFERRAL

Senator Dela Cruz, Chair of the Committee on Water, Land, and Housing, requested that the referrals of the following House concurrent resolutions to the Committee on Water, Land, and Housing and the Committee on Ways and Means be waived pursuant to Senate Rule 46(4):

H.C.R. No. 23;
H.C.R. No. 24;
H.C.R. No. 25;
H.C.R. No. 26;
H.C.R. No. 27;

H.C.R. No. 28;
H.C.R. No. 29;
H.C.R. No. 30; and
H.C.R. No. 31.

Senator Dela Cruz noted:

“The Senate had passed similar resolutions.”

The Chair granted the waiver.

On motion by Senator Dela Cruz, seconded by Senator Ige and carried, the following House concurrent resolutions were placed on the calendar for adoption on Friday, April 20, 2012:

H.C.R. No. 23, entitled: “HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT LAHAINA, MAUI, FOR MAINTENANCE AND REPAIR OF EXISTING DECK AND IMPROVEMENTS.”

H.C.R. No. 24, entitled: “HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 593 KULIOUOU ROAD, HONOLULU, HAWAII,”

H.C.R. No. 25, entitled: “HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 619 KULIOUOU ROAD, HONOLULU, HAWAII,”

H.C.R. No. 26, entitled: “HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST AT 644 HOKIOKIO PLACE, HONOLULU, HAWAII,”

H.C.R. No. 27, entitled: “HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 2314 10TH AVENUE, HONOLULU, HAWAII,”

H.C.R. No. 28, entitled: “HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 41-557 KAMANAAINA PLACE, WAIMANALO, HAWAII,”

H.C.R. No. 29, entitled: “HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 2949 ALA ILIMA STREET, NO. 303, HONOLULU, HAWAII,”

H.C.R. No. 30, entitled: “HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-031 KUAHELANI AVENUE, NO. 242, MILILANI, HAWAII,” and

H.C.R. No. 31, entitled: “HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-017 KUAHELANI AVENUE, NO. 321, MILILANI, HAWAII.”

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 2412, S.D. 2 (H.D. 2):

Senator Baker moved that the Senate reconsider its action taken on April 12, 2012, in disagreeing to the amendments proposed by the House to S.B. No. 2412, S.D. 2, seconded by Senator Espero and carried.

Senator Baker then moved that the Senate agree to the amendments made by the House to S.B. No. 2412, S.D. 2, seconded by Senator Espero.

Senator Baker noted:

“Colleagues, we heard the Senate bill and moved it over. When it came back to us, in the House companion, there was a lot of upset, disagreement; and we were asked to hold by both the contractor side and the labor union side. However, in the intervening time when the Senate bill was being worked on in the House, the Chair of the Consumer Protection Committee in the House, as well as some of the other individuals, got both contractors and labor folks together, and the H.D. 2 is acceptable; and I actually got visited both representatives of the labor side and a letter from the General Contractors Association of Hawai‘i asking us to move this measure forward. That’s why I am bringing it to the floor, because it is agreeable to both parties in this particular instance.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2412, S.D. 2 and S.B. No. 2412, S.D. 2, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CONTRACTS,” was placed on the calendar for Final Reading on Friday, April 20, 2012.

Senator Hee rose on a point of personal privilege to thank the members of the Senate for their participation in the dunking booth for the benefit of the Hawai‘i Foodbank.

Senator Dela Cruz, Chair of the Committee on Water, Land, and Housing, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.C.R. No. 169, H.D. 1.

Senator Dela Cruz noted:

“The Senate passed a similar resolution, and we’d like to have a hearing so we can make the amendments that the Senate committees did in the committee.”

The Chair granted the waiver.

Senator Green, Chair of the Committee on Health, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.C.R. No. 32, H.D. 1.

Senator Green noted:

“H.C.R. No. 32, H.D. 1 is about streamlining some of the Governor’s efforts to do healthcare transformation.”

The Chair granted the waiver.

Senators Ryan, Ige, Kim, Espero, and Kidani rose on points of personal privilege to humorously acknowledge the participation of the members in the dunking booth for the Hawai‘i Foodbank.

Senator Baker rose to wish Senator Ihara a happy birthday on behalf of the members of the Senate.

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 later this afternoon.

“Conferees are named in accordance with the action sheet to be distributed to your offices later today.”

APPOINTMENT AND DISCHARGE OF CONFEREES

H.B. No. 1726, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1726, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Gabbard, chair; Ige, co-chair; Ihara as manager on the part of the Senate at such conference.

H.B. No. 1875, H.D. 2 (S.D. 2):

The President discharged Senator Taniguchi as a manager and appointed Senator Kidani as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1875, H.D. 2.

H.B. No. 1980, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1980, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, chair; Fukunaga, Kidani, Slom as managers on the part of the Senate at such conference.

H.B. No. 2078, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2078, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kouchi, chair; Baker, co-chair; Kahele as manager on the part of the Senate at such conference.

ADJOURNMENT

At 11:47 a.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Friday, April 20, 2012.