

TWENTY-NINTH DAY

Monday, March 12, 2007

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2007, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Minister Albert Mier, Soka Gakkai International, after which the Roll was called showing all Senators present with the exception of Senators Ihara and Menor who were excused.

The President announced that she had read and approved the Journal of the Twenty-Eighth Day.

Senator Sakamoto introduced Kanoe Kamana'o and commended her on her outstanding achievements on the University of Hawai'i Women's Volleyball Team.

At 11:41 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:44 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 510 and 511) were read by the Clerk and were placed on file:

Gov. Msg. No. 510, dated March 2, 2007, transmitting a Report on the Status of all Capital Improvement Projects for FY2006-2007 Appropriated Funds Under Halawa Correctional Facilities, prepared by the Department of Public Safety pursuant to Act 160, Section 93.1, SLH 2006.

Gov. Msg. No. 511, letter dated March 8, 2007, transmitting proposed changes to the Executive Supplemental Budget for FY 2007 for various budget items for the Department of Accounting and General Services and the Department of Transportation.

HOUSE COMMUNICATION

Hse. Com. No. 467, transmitting H.C.R. No. 42, H.D. 1, which was adopted by the House of Representatives on March 9, 2007, was read by the Clerk and was placed on file.

By unanimous consent, action on H.C.R. No. 42, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE UNITED NATIONS TO RECOGNIZE BY GENERAL ASSEMBLY RESOLUTION THE MILLIONS OF LEGALLY UNREGISTERED CHILDREN IN THE PEOPLE'S REPUBLIC OF CHINA KNOWN AS THE HEI HAIZI," was deferred.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 59 to 64) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 59 "SENATE CONCURRENT RESOLUTION RESTRICTING THE SERVICE OF PRODUCTS CONTAINING ARTIFICIAL TRANS FATS AT ALL FOOD SERVICE ESTABLISHMENTS."

Offered by: Senators Espero, Menor, Tsutsui, Hooser, Inouye, Baker, Fukunaga, Kim, Kokubun, Ihara, Bunda, Chun Oakland, Trimble.

No. 60 "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO ENCOURAGE THE USE OF THE NAME 'MOKOLI'I ISLET' AND DISCOURAGE THE USE OF ITS POPULAR NAME 'CHINAMAN'S HAT'."

Offered by: Senators Espero, Nishihara, Inouye, Fukunaga, Tokuda, Hemmings, Menor, Kokubun, Bunda, Ihara, Ige, Slom.

No. 61 "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A FORENSIC FACILITY."

Offered by: Senators Espero, Chun Oakland, Tokuda, Gabbard, Hemmings, Menor, Sakamoto, Tsutsui, Inouye, Ihara, Whalen, Ige, Bunda, Baker, Fukunaga, Kim, Slom, Kokubun, Trimble.

No. 62 "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE LEGISLATURE TO CONVENE A HAWAII BROADBAND TASK FORCE TO EXPAND BROADBAND ACCESS AND USAGE IN HAWAII."

Offered by: Senators Fukunaga, Espero, English, Ige, Slom.

No. 63 "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF MEXICO AND THE SECOND DISTRICT COURT OF GUADALAJARA TO DROP EXTRADITION CHARGES AGAINST TV BOUNTY HUNTER, DUANE 'DOG' CHAPMAN."

Offered by: Senators Slom, Tokuda, Trimble, Sakamoto, Nishihara, Hemmings, Gabbard, Bunda.

No. 64 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOMELANDS TO ESTABLISH A HAWAIIAN HOMESTEAD COMMUNITY SELF-GOVERNANCE TASK FORCE."

Offered by: Senators Kokubun, Tokuda, Hee, English, Hanabusa, Tsutsui, Espero, Nishihara, Fukunaga, Chun Oakland, Sakamoto, Kim.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 35 to 38) were read by the Clerk and were deferred:

Senate Resolution

No. 35 "SENATE RESOLUTION RESTRICTING THE SERVICE OF PRODUCTS CONTAINING ARTIFICIAL TRANS FATS AT ALL FOOD SERVICE ESTABLISHMENTS."

Offered by: Senators Espero, Menor, Tsutsui, Hooser, Inouye, Baker, Fukunaga, Kim, Kokubun, Ihara, Bunda, Chun Oakland, Trimble.

No. 36 "SENATE RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO ENCOURAGE THE

USE OF THE NAME 'MOKOLI'I ISLET' AND DISCOURAGE THE USE OF ITS POPULAR NAME 'CHINAMAN'S HAT'."

Offered by: Senators Espero, Nishihara, Inouye, Fukunaga, Tokuda, Hemmings, Menor, Kokubun, Bunda, Ihara, Ige, Slom.

No. 37 "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF A FORENSIC FACILITY."

Offered by: Senators Espero, Chun Oakland, Tokuda, Gabbard, Hemmings, Menor, Sakamoto, Tsutsui, Inouye, Baker, Ihara, Trimble, Ige, Bunda, Fukunaga, Kim, Whalen, Slom, Kokubun.

No. 38 "SENATE RESOLUTION URGING A COMPREHENSIVE MANAGEMENT REVIEW OF THE DEPARTMENT OF EDUCATION'S OPERATIONS."

Offered by: Senators Hemmings, Slom, Trimble, Whalen.

STANDING COMMITTEE REPORTS

Senator Inouye, for the Committee on Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 1032) recommending that S.R. No. 13, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1032 and S.R. No. 13, S.D. 1, entitled: "SENATE RESOLUTION OPPOSING THE CREATION OF A NATIONAL IDENTIFICATION CARD AND THE IMPLEMENTATION OF THE REAL ID ACT OF 2005," was deferred until Tuesday, March 13, 2007.

Senator Inouye, for the Committee on Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 1033) recommending that S.C.R. No. 31, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1033 and S.C.R. No. 31, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION OPPOSING THE CREATION OF A NATIONAL IDENTIFICATION CARD AND THE IMPLEMENTATION OF THE REAL ID ACT OF 2005," was deferred until Tuesday, March 13, 2007.

Senator Inouye, for the Committee on Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 1034) recommending that the Senate advise and consent to the nominations to the Advisory Board on Veterans' Services of the following:

ANNE V. STEVENS, in accordance with Gov. Msg. No. 493; and

PATRICIA ANN WIELAND, in accordance with Gov. Msg. No. 494.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1034 and Gov. Msg. Nos. 493 and 494 was deferred until Tuesday, March 13, 2007.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1030 (Gov. Msg. No. 268):

Senator Baker moved that Stand. Com. Rep. No. 1030 be received and placed on file, seconded by Senator Tsutsui and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of GEORGINA K. KAWAMURA as Director of the Department of Budget and Finance, term to expire December 6, 2010, seconded by Senator Tsutsui.

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

"Madam President, I rise in strong support of this nomination.

"Madam President, when your Committee decided to hold a hearing on this Governor's Message and take testimony from various members of the public on whether the Senate should advise and consent, the things that we looked at were what kind of leadership this nominee had provided in her current position? What was her management style? Did she have the background and the skills necessary to perform the task well and what had been her performance? I'm pleased to report, Madam President, that your Committee found that the nominee, Georgina K. Kawamura, excelled in all of these areas.

"I guess, for me, the thing that was most instructive was to listen to the words of her staff, many of whom are civil service and didn't have to come forward to the Legislature to say nice things about their boss. I have the feeling that it was more than just saying nice things about her, but that it really came from a commitment and dedication that they had observed in her – that she evoked the best in them and they wanted to share that with us.

"Let me read just a few of their comments into the record: 'She has made right decisions when the choices are difficult and has earned our respect in the process. Despite the multitude of demands placed upon her time and energy, she has maintained an open-door policy. She has led by example, encouraging us to respond in a timely and effective manner in all our endeavors. She provides direction and encouragement when we are frustrated, and supports us as a part of her team.'

"To me that says volumes about the ability of this woman to continue to lead this department in a way that would provide the kind of leadership we would expect from all of the Governor's nominees.

"Another set of staff members pointed out that 'she's a quick study in learning the intricacies of state government and its finances. She has a remarkable ability to absorb details of the operating and CIP budget and displays a thorough understanding of budgeting principles and practices. She has brought graciousness, composure, and level-headedness to the position, along with her sense of humor and energy. All very admirable qualities.'

"I think when we look at performance, this comment came from a private sector individual who said: 'Under Ms. Kawamura's leadership at B&F, the State's budgetary documents have been made fully available online.' Another staff pointed out that 'not only are they available online, but in a much more user friendly manner,' and I must admit that the budget in brief that was presented for this year's biennium budget certainly made it easy for many people who do not have an opportunity to delve into some of the intricacies of the budget to understand what the moving parts are.

"After hearing from her staff and others about the exemplary nature of her ability to lead and manage, we also asked her what

her goals were. She talked about now being in a position to pursue a broader agenda to safeguard and strengthen our fiscal integrity, and she outlined several items that I will have included in the record for future reference. But I was most intrigued by somebody who had worked with her on the county level and had observed her at the state level, and this was a message from the Maui Mayor, Mayor Charmaine Tavares, who noted that she had an opportunity to work with Georgina when Mayor Tavares was the Director of Parks and Recreation and also had observed her from her years as a member of the Maui County Council. She noted that 'Georgina's sound judgment, diligence, fair-mindedness, diplomacy, perseverance, and professionalism have been demonstrated consistently throughout the years. She's a distinguished alum from Maui Community College and has a wealth of background and experience that have served her well thus far.'

"Madam President, your Committee believes that these qualities, as enumerated by her staff and others, will continue to serve her and I urge all my colleagues to vote to advise and consent to the nomination of Georgina Kawamura for the Director of Budget and Finance."

Senator Slom rose to support the nomination and stated:

"Madam President, on behalf of your Senate Minority, we want to urge our very strong support for the Governor's Message and for the advice and consent for our Budget Director, Ms. Kawamura.

"Who would want to be Budget Director? Who would want to take on that responsibility? Who would want to take the slings and arrows? Well, Georgina did, and as the Ways and Means Chair so aptly explained, she has done an exemplary job. She is the best of the best and she has taken all of the requests for changes and for implementation and for transparency and she's made them happen.

"Her first four years in many respects were as good as 10 or 12 years for previous Administrations. She has shown a willingness, because of the ability to work with different kinds of people, to not only grasp a problem, but to get a solution quickly. And so, we're very happy to add our support.

"It was mentioned that she has a sense of humor. Anyone that has had an opportunity to talk with her has seen that sense of humor and obviously, if you don't have a sense of humor when you're doing the state budget, you're going to be in very difficult shape. Not bad for a local gal that came from Lanai. She has done everyone proud—she'll do even better in the next four years, and so we urge all our colleagues to support Georgina Kawamura.

"Thank you, Madam President."

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

Ayes, 23. Noes, none. Excused, 2 (Ihara, Menor).

At this time, Senator Baker introduced Ms. Kawamura and her family to the members of the Senate.

At 11:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o'clock a.m.

ADOPTION OF RESOLUTION

MATTER DEFERRED FROM FRIDAY, MARCH 9, 2007

Stand. Com. Rep. No. 1031 (S.C.R. No. 18, S.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 18, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO WORK WITH APPROPRIATE ENTITIES TO EXTEND THE LENGTH OF THE SCHOOL DAY TO ACCOMMODATE INCREASED PHYSICAL EDUCATION, ART, AND MUSIC REQUIREMENTS, AND OTHER SPECIAL PROJECTS, WHICH MAY INCLUDE AFTER SCHOOL ACTIVITIES AND COMPETITIONS," was adopted.

RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bills that were received:

House Bill	Referred to:
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No. 646, H.D. 2	Jointly to the Committee on Energy and Environment, the Committee on Economic Development and Taxation and the Committee on Water, Land, Agriculture and Hawaiian Affairs, then to the Committee on Ways and Means
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No. 1950, H.D. 1	Jointly to the Committee on Intergovernmental and Military Affairs and the Committee on Water, Land, Agriculture and Hawaiian Affairs, then to the Committee on Commerce, Consumer Protection and Affordable Housing
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At this time, the President made the following announcement:

"Members, in order to meet the second lateral deadline next week, I am recommending that for all House bills with a triple committee referral, the first committee file its committee report with the Clerk's Office by 9:00 a.m. on Friday, March 16 so that the second committee will have adequate time to consider the measures."

ADJOURNMENT

At 11:59 o'clock a.m., on motion by Senator Ige, seconded by Senator Whalen and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, March 13, 2007.