

THIRTY-SECOND DAY

Thursday, March 15, 2007

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2007, convened at 11:33 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Ron Williams, Associate Minister, Central Union Church, after which the Roll was called showing all Senators present with the exception of Senator Ihara who was excused.

The President announced that she had read and approved the Journal of the Thirty-First Day.

At this time, Senator Tokuda congratulated the Kailua High School Surfrider Robotics Team for winning the Hawai'i State Regional Championship at the 2006 Hawai'i Underwater Robot Challenge and introduced Coach Dave Izumi and the following members of the team: Trevor Johnson, Jacob Pantastico, Nathan Franco, Dalfred Edward Kaipo, Jr., Nicholas Poleshaj, Kahue Kaopuiki, Noah Park, Shalyn Romano, Sen-Katsu Takata, and Alexander Vallejo-Sanderson.

At 11:45 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:51 o'clock a.m.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 550, dated March 9, 2007, transmitting the 2006 Annual Report of the State of Hawaii Overseas Offices, prepared by the Department of Business, Economic Development and Tourism pursuant to Section 201-84, HRS, was read by the Clerk and was placed on file.

STANDING COMMITTEE REPORTS

Senator Inouye, for the Committee on Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 1048) recommending that H.B. No. 613 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 613, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 16, 2007.

Senator Inouye, for the Committee on Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 1049) recommending that S.C.R. No. 41 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1049 and S.C.R. No. 41, entitled: "SENATE CONCURRENT RESOLUTION CONDEMNING THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES' FEE INCREASE," was deferred until Friday, March 16, 2007.

Senator Inouye, for the Committee on Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 1050) recommending that S.C.R. No. 40, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1050 and S.C.R. No. 40, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PROVIDE FUNDING

FOR THE CONSTRUCTION OF A NEW STATE EMERGENCY OPERATING CENTER," was deferred until Friday, March 16, 2007.

Senator Inouye, for the majority of the Committee on Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 1051) recommending that H.B. No. 149, H.D. 2, pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and H.B. No. 149, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," passed Second Reading and was referred to the Committee on Economic Development and Taxation.

Senator Inouye, for the Committee on Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 1052) recommending that H.B. No. 1414, H.D. 1, pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 1414, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR DEPARTMENT OF TAXATION COUNTY SURCHARGE IMPLEMENTATION COSTS," passed Second Reading and was referred to the Committee on Economic Development and Taxation.

Senator Inouye, for the Committee on Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 1053) recommending that H.B. No. 421, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 421, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SHORT TERM INVESTMENT OF COUNTY MONEYS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 1054) recommending that H.B. No. 625, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 625, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 1055) recommending that S.R. No. 20, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1055 and S.R. No. 20, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PROVIDE FUNDING FOR THE CONSTRUCTION OF A NEW STATE EMERGENCY OPERATING CENTER," was deferred until Friday, March 16, 2007.

Senator Nishihara, for the Committee on Tourism and Government Operations, presented a report (Stand. Com. Rep.

No. 1056) recommending that H.B. No. 570, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 570, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Economic Development and Taxation.

Senator Nishihara, for the Committee on Tourism and Government Operations, presented a report (Stand. Com. Rep. No. 1057) recommending that H.B. No. 1277, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 1277, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," passed Second Reading and was referred to the Committee on Economic Development and Taxation.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1058) recommending that the Senate consent to the nomination of MARK E. RECKTENWALD to the office of Chief Judge, Intermediate Court of Appeals, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Gov. Msg. No. 405.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1058 and Gov. Msg. No. 405 was deferred until Friday, March 16, 2007.

Senator Hee, for the majority of the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1059) recommending that the Senate not consent to the nomination of GLENN J. KIM to the office of Judge, Circuit Court of the First Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Gov. Msg. No. 404.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1059 and Gov. Msg. No. 404 was deferred until Friday, March 16, 2007.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1036 (Gov. Msg. Nos. 306, 307, 308 and 309):

Senator Fukunaga moved that Stand. Com. Rep. No. 1036 be received and placed on file, seconded by Senator Espero and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nominations to the Community-Based Economic Development Advisory Council of the following:

ELAINE LOUISE HOGUE, term to expire June 30, 2011 (Gov. Msg. No. 306);

WAYNETTE HO-KWON, term to expire June 30, 2011 (Gov. Msg. No. 307);

ANNA K. RIBUCAN, term to expire June 30, 2011 (Gov. Msg. No. 308); and

ANNA MARIE P. SPRINGER, term to expire June 30, 2011 (Gov. Msg. No. 309),

seconded by Senator Espero.

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

Ayes, 24. Noes, none. Excused, 1 (Ihara).

Stand. Com. Rep. No. 1037 (Gov. Msg. No. 350):

Senator Fukunaga moved that Stand. Com. Rep. No. 1037 be received and placed on file, seconded by Senator Espero and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nomination of SHARON MARIE WONG to the Board of Directors of the High Technology Development Corporation, term to expire June 30, 2011, seconded by Senator Espero.

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

Ayes, 24. Noes, none. Excused, 1 (Ihara).

Stand. Com. Rep. No. 1038 (Gov. Msg. Nos. 390 and 391):

Senator Fukunaga moved that Stand. Com. Rep. No. 1038 be received and placed on file, seconded by Senator Espero and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nominations to the Small Business Regulatory Review Board of the following:

BRUCE E. BUCKY, term to expire June 30, 2010 (Gov. Msg. No. 390); and

PETER YUKIMURA, term to expire June 30, 2009 (Gov. Msg. No. 391),

seconded by Senator Espero.

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

Ayes, 24. Noes, none. Excused, 1 (Ihara).

Stand. Com. Rep. No. 1039 (Gov. Msg. No. 423):

Senator Fukunaga moved that Stand. Com. Rep. No. 1039 be received and placed on file, seconded by Senator Espero and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nomination of BENJAMIN J. YIM to the King Kamehameha Celebration Commission, term to expire June 30, 2011, seconded by Senator Espero.

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

Ayes, 24. Noes, none. Excused, 1 (Ihara).

ADOPTION OF RESOLUTIONS**MATTERS DEFERRED FROM
WEDNESDAY, MARCH 14, 2007**

Stand. Com. Rep. No. 1042 (S.R. No. 19):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.R. No. 19, entitled: "SENATE RESOLUTION REQUESTING ENACTMENT OF H.R. 4574/S. 57, 'FILIPINO AMERICAN VETERANS EQUITY ACT OF 2007' OR SIMILAR LEGISLATION THAT PROVIDES FEDERAL VETERANS BENEFITS AND SERVICES TO THE WORLD WAR II FILIPINO AMERICAN VETERANS AND THE FILIPINO VETERANS," was adopted.

Stand. Com. Rep. No. 1043 (S.C.R. No. 39):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 39, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING ENACTMENT OF H.R. 4574/S. 57, 'FILIPINO AMERICAN VETERANS EQUITY ACT OF 2007' OR SIMILAR LEGISLATION THAT PROVIDES FEDERAL VETERANS BENEFITS AND SERVICES TO THE WORLD WAR II FILIPINO AMERICAN VETERANS AND THE FILIPINO VETERANS," was adopted.

Stand. Com. Rep. No. 1044 (S.R. No. 18):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.R. No. 18, entitled: "SENATE RESOLUTION REQUESTING ENACTMENT OF H.R. 901/S. 4070, 'FILIPINO FAMILY REUNIFICATION', OR SIMILAR LEGISLATION THAT GRANTS THE PRIORITY ISSUANCE OF VISAS TO VETERANS' CHILDREN WITH APPROVED IMMIGRATION PETITIONS," was adopted.

Stand. Com. Rep. No. 1045 (S.C.R. No. 38):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 38, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING ENACTMENT OF H.R. 901/S. 4070, 'FILIPINO FAMILY REUNIFICATION', OR SIMILAR LEGISLATION THAT GRANTS THE PRIORITY ISSUANCE OF VISAS TO VETERANS' CHILDREN WITH APPROVED IMMIGRATION PETITIONS," was adopted.

Stand. Com. Rep. No. 1046 (S.C.R. No. 47):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 47, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT S.57 AND H.R.760, ENTITLED THE FILIPINO VETERANS EQUITY ACT OF 2007," was adopted.

THIRD READING

H.B. No. 21, H.D. 1:

On motion by Senator Sakamoto, seconded by Senator Tokuda and carried, H.B. No. 21, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ihara).

RE-REFERRAL OF HOUSE BILLS

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

House Bill Referred to:

No. 150, H.D. 2 Jointly to the Committee on Human Services and Public Housing, the Committee on Commerce, Consumer Protection and Affordable Housing and the Committee on Water, Land, Agriculture and Hawaiian Affairs, then to the Committee on Ways and Means

No. 724, H.D. 1 Committee on Economic Development and Taxation, then to the Committee on Ways and Means

No. 1899, H.D. 2 Committee on Water, Land, Agriculture and Hawaiian Affairs, then to the Committee on Ways and Means

Senator Kokubun, Chair of the Committee on Water, Land, Agriculture and Hawaiian Affairs, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. No. 1200.

Senator Kokubun noted:

"Madam President, the reason why I'm asking for the waiver is because the way that my Committee handles matters is that, Friday is usually the day that we address issues dealing with Hawaiian affairs, and I would like the Office of Hawaiian Affairs' Budget to be on the hearing notice for tomorrow."

The Chair then granted the waiver.

ADJOURNMENT

At 11:54 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., Friday, March 16, 2007.