

FIFTY-THIRD DAY

Friday, April 20, 2007

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2007, convened at 11:04 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by Kumu Poni Kamaau, after which the Roll was called showing all Senators present with the exception of Senators Hanabusa and Taniguchi who were excused.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 769 to 772) were read by the Clerk and were placed on file:

Gov. Msg. No. 769, dated April 16, 2007, transmitting the General Obligation Bond Fund Appropriation for Youth Residential Programs, HMS 503, Progress Report, prepared by the Office of Youth Services, Hawaii Youth Correctional Facility, pursuant to Act 160, Section 91.1, SLH 2006.

Gov. Msg. No. 770, dated April 16, 2007, transmitting the Brownfields Cleanup Revolving Loan Fund 2006 Annual Report, prepared by the Department of Business, Economic Development and Tourism pursuant to Act 173, SLH 2002.

Gov. Msg. No. 771, informing the Senate that on April 19, 2007, she signed into law House Bill No. 1376 as Act 25, entitled: "RELATING TO PETROLEUM-CONTAMINATED SOIL."

Gov. Msg. No. 772, informing the Senate that on April 19, 2007, she signed into law House Bill No. 1294 as Act 26, entitled: "RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 799 and 800) were read by the Clerk and were placed on file:

Hse. Com. No. 799, informing the Senate that the Speaker on April 19, 2007, made the following changes to the conferees on the following bills:

H.B. No. 831, H.D. 2 (S.D. 1):

Added Representative Manahan as a manager.

H.B. No. 1270, H.D. 2 (S.D. 2):

Added Representative Chong as co-chair.

H.B. No. 1277, H.D. 2 (S.D. 3):

Added Representative Shimabukuro as co-chair.

Hse. Com. No. 800, informing the Senate that the House reconsidered its actions taken on April 12, 2007, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 1414, H.D. 1 (S.D. 2); and

H.B. No. 1818, H.D. 2 (S.D. 1).

STANDING COMMITTEE REPORTS

Senator Kokubun, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1876) recommending that the Senate advise and consent to the nominations to the Endangered Species Recovery Committee of the following:

CLIFFORD W. MORDEN, in accordance with Gov. Msg. No. 334; and

PATRICK JAMES HART, in accordance with Gov. Msg. No. 591.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1876 and Gov. Msg. Nos. 334 and 591 was deferred until Monday, April 23, 2007.

Senator Kokubun, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1877) recommending that the Senate advise and consent to the nominations to the Land Use Commission of the following:

HOWARD H. HAMAMOTO, in accordance with Gov. Msg. No. 618; and

VLADIMIR PAUL DEVENS, in accordance with Gov. Msg. No. 703.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1877 and Gov. Msg. Nos. 618 and 703 was deferred until Monday, April 23, 2007.

Senator Menor, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 1878) recommending that H.C.R. No. 127 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1878 and H.C.R. No. 127, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO PROCLAIM THE LAST WEEK IN JULY OF EACH YEAR AS CONSERVATION WEEK," was deferred until Monday, April 23, 2007.

Senator Menor, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 1879) recommending that H.C.R. No. 265 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1879 and H.C.R. No. 265, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING AND SUPPORTING THE NOMINATION AND DESIGNATION OF THE NORTHWESTERN HAWAIIAN ISLANDS MARINE NATIONAL MONUMENT, PAPA HANAUMOKU AKEA, AS A WORLD HERITAGE SITE," was deferred until Monday, April 23, 2007.

Senator Menor, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 1880) recommending that H.C.R. No. 58, H.D. 1, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1880 and H.C.R. No. 58, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ALL

BRANCHES OF THE UNITED STATES GOVERNMENT TO PROHIBIT DUMPING OF VESSEL SEWAGE IN FEDERAL WATERS IN THE VICINITY OF THE HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY," was deferred until Monday, April 23, 2007.

Senators Chun Oakland and English, for the Committee on Human Services and Public Housing and the Committee on Transportation and International Affairs, presented a joint report (Stand. Com. Rep. No. 1881) recommending that H.C.R. No. 129, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1881 and H.C.R. No. 129, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CENTER FOR PACIFIC ISLAND STUDIES AT THE UNIVERSITY OF HAWAII AT MANOA TO ESTABLISH A TASK FORCE TO IDENTIFY AND ADDRESS THE NEEDS OF PACIFIC ISLANDERS IN HAWAII," was deferred until Monday, April 23, 2007.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1870 (Gov. Msg. Nos. 421 and 615):

Senator Kokubun moved that Stand. Com. Rep. No. 1870 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Kokubun then moved that the Senate advise and consent to the nominations to the Kaho'olawe Island Reserve Commission of the following:

MILTON M. ARAKAWA, term to expire June 30, 2011 (Gov. Msg. No. 421); and

CRAIG A. NEFF, term to expire June 30, 2011 (Gov. Msg. No. 615),

seconded by Senator Tokuda.

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

Ayes, 21. Noes, none. Excused, 4 (Fukunaga, Hanabusa, Ihara, Taniguchi).

Stand. Com. Rep. No. 1871 (Gov. Msg. Nos. 636 and 637):

Senator Kokubun moved that Stand. Com. Rep. No. 1871 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Kokubun then moved that the Senate advise and consent to the nominations to the Molokai Irrigation System Water Users Advisory Board of the following:

STEVEN L. ARCE, term to expire June 30, 2009 (Gov. Msg. No. 636); and

KATHY M. HANCOCK, term to expire June 30, 2011 (Gov. Msg. No. 637),

seconded by Senator Tokuda.

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

Ayes, 21. Noes, none. Excused, 4 (Fukunaga, Hanabusa, Ihara, Taniguchi).

Stand. Com. Rep. No. 1872 (Gov. Msg. No. 682):

Senator Kokubun moved that Stand. Com. Rep. No. 1872 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Kokubun then moved that the Senate advise and consent to the nomination of JAMES A. FRAZIER to the Commission on Water Resource Management, term to expire June 30, 2011, seconded by Senator Tokuda.

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

Ayes, 21. Noes, none. Excused, 4 (Fukunaga, Hanabusa, Ihara, Taniguchi).

Stand. Com. Rep. No. 1874 (Gov. Msg. No. 644):

Senator Sakamoto moved that Stand. Com. Rep. No. 1874 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nomination of NEIL S. MACNAUGHTON RN, PHD to the Center for Nursing Advisory Board, term to expire June 30, 2011, seconded by Senator Tokuda.

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

Ayes, 21. Noes, none. Excused, 4 (Fukunaga, Hanabusa, Ihara, Taniguchi).

Stand. Com. Rep. No. 1875 (Gov. Msg. No. 687):

Senator Sakamoto moved that Stand. Com. Rep. No. 1875 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nomination of ROSE Y. TSENG to the Education Commission of the States, term to expire June 30, 2010, seconded by Senator Tokuda.

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

Ayes, 21. Noes, none. Excused, 4 (Fukunaga, Hanabusa, Ihara, Taniguchi).

Stand. Com. Rep. No. 1873 (Gov. Msg. No. 274):

Senator Hee moved that Stand. Com. Rep. No. 1873 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of MARIE C. LADERTA as Director of the Department of Human Resources Development, term to expire December 6, 2010, seconded by Senator Kokubun.

Senator Hee rose to support the nominee as follows:

"Madam President, I am rising to speak in strong support of Marie Laderta with respect to Gov. Msg. No. 274 to serve a second term as the Director of the Department of Human Resources Development, also known as DHRD.

“Marie Laderta, in my view, is one of a kind. I thought Kurt Kawafuchi was one of a kind, but he pales in comparison to Marie Laderta. I was thanked by Ms. Laderta recently for encouraging the Committee to confirm her, and in the commission of thanking me, she offered to write the Committee Report. I accepted. (Laughter.) And I offered to her to write her Floor speech, and she has accepted. So as you can see, this is a bipartisan, unilateral effort between Marie and me this morning.

“So if you allow the indulgence of Marie and me, I would like to proceed by saying to you first of all that as Deputy Director for Taxation with Kurt Kawafuchi, it should be not unnoticed that both of them became famous as a result of being appointed as Deputy Attorney Generals by none other than Earl Anzai, which might explain Kurt Kawafuchi’s coif.

“She has, according to her Floor speech for me, received from state colleagues, county colleagues, union leaders, and family and friends all attesting to the positive qualities possessed by Marie and necessary to be an effective DHRD Director and public servant. She’s an excellent leader, according to Marie. She’s honest and forthright, unafraid to make tough decisions, able to focus and build on staff strengths, invests in our youth, and to the extent some of you may wish to have a speech writer, obviously, generous with the ability to communicate with individuals on all different levels, and she goes over and beyond the call of duty. And that’s the first sentence, members, to which I am pleased to read for her. (Laughter.)

“Her accomplishments – she first was appointed in ’05, and in less than a two-year period, here are but a few. She implemented the Kama’aina Stay Home High School Outreach Recruitment program which showcases the many state government job opportunities that may be available to our youth. She has implemented a new pilot web-based recruitment process, led all parties toward settling the recent HGEA collective bargaining negotiations as the State’s Chief Negotiator, and I might add that this is one of those rare occasions where binding arbitration is not part of the equation this year. And to that, seriously, she deserves a tremendous amount of proper congratulations.

“She has a goal to streamline the recruitment process to allow state agencies to fill vacancies quickly with qualified people. And I might add that she is aware and fully cognizant that one of the greatest challenges as the DHRD Director is to deal with the impending retirement that most of the baby boomers are now entering in and the obvious vacuum that will be created as a result.

“I have two (I can’t remember what you call that; I’ve been so long out of school) visual aids! (Laughter.) The first is . . . I think it’s a cock-a-roach or something; it might be a lady bug or a spider, but anyway, it’s a gift to Ms. Laderta and Mrs. Sumida from second graders at a school on the Windward side where she has participated in – as well as to show you that as a state worker she goes beyond the call – ‘How the B-52 cock-a-roach learned to fly.’ And so she spends quite a bit of her time in schools as a volunteer.

“Members, when I first met Marie, I must admit there was wonderment about her because she seems to always be ‘plugged in’ to me. She’s very active and she talks very quickly. I think it’s the result of being from Hong Kong, but I’m not sure, or Taiwan, but definitely from the East. But I’ve never met any department director, and I’ve been around a long time, who’s had nothing but nice things to say about everybody and always had a smile on her face even though I must admit there were

times I wondered why. But that is Marie Laderta and I’m very proud and very privileged at this time to encourage all my colleagues to support Marie Laderta for a second term as the Director of the Department of Human Resources Development.

“Thank you, Madam President.”

Senator Gabbard rose to speak in support of the nomination and said:

“Madam Vice President, I rise in support of the confirmation of Ms. Marie Laderta as the Director of the Department of Human Resources.

“On behalf of the Minority, colleagues, we know that Marie has done a good job in managing the department. She has received overwhelming testimony in her support. She has the respect of the employees in her department, and quite frankly, she’s the best person on the job. So I would urge you to vote ‘yes’ on her confirmation.

“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 (Hanabusa, Taniguchi).

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

At 11:17 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:25 o’clock a.m.

RE-REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

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

| House Concurrent Resolution | Referred to: |
|-----------------------------|--|
| No. 194, H.D. 1 | Committee on Judiciary and Labor |
| No. 288, H.D. 2 | Committee on Tourism and Government Operations |

APPOINTMENT OF CONFEREES

S.B. No. 870, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 870, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Fukunaga, chair; Espero, Slom as managers on the part of the Senate at such conference.

S.B. No. 992, S.D. 1 (H.D. 2):

The President appointed Senators Baker and Fukunaga as co-chairs 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. 992, S.D. 1.

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

“Madam President, I rise on a point of personal privilege.

“Colleagues, all of us are aware of the tragic events at Virginia Tech University in the Commonwealth of Virginia earlier this week. Our colleagues in the Virginia Commonwealth have declared that today is a day of mourning, and our Governor responded with a similar proclamation. So in that vein, as we adjourn our Session today, I ask that we do so on a rising vote to express our solidarity with our colleagues in the Commonwealth, and in offering prayers for the families of those who were slaughtered and for the healing in that community and in our country.

“Thank you, Madam President.”

Senator Sakamoto rose on a point of personal privilege as follows:

“Madam President, I rise on a point of personal privilege.

“Following up on our Maui Senator’s comment, I believe people like Mr. Cho could have been helped. Sadly, I’m not here to blame who could have helped, but I believe many of our educators, many of our counselors are people who have prevented such tragedies here and we want to honor those who do that. Many people in this room have mentored or are able to mentor people, and I think we all – us here, the educators, all of the general public – need to look to people who are struggling, look to people who need help, and do our part, our small grain of sand, to keep tragedies such as this from happening.

“Thank you.”

ADJOURNMENT

At 11:29 o’clock a.m., on motion by Senator Ige, seconded by Senator Gabbard and carried, the Senate adjourned until 11:30 o’clock a.m., Monday, April 23, 2007, on a rising vote, observing a moment of silence for the victims of the tragedy at Virginia Tech University.