

FIFTY-SECOND DAY

Thursday, April 17, 2008

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2008, convened at 11:37 a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Samuel Kim, Korean Christian Church, after which the Roll was called showing all Senators present with the exception of Senators English, Espero, Hooser, Kim and Menor who were excused.

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

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 638, informing the Senate that on April 16, 2008, Lt. Gov. signed into law Senate Bill No. 2425 as Act 17, entitled: "RELATING TO ARSON," was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 743 to 746) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 743, returning S.C.R. No. 5, S.D. 1, which was adopted by the House of Representatives on April 16, 2008, was placed on file.

Hse. Com. No. 744, returning S.C.R. No. 84, S.D. 1, which was adopted by the House of Representatives on April 16, 2008, was placed on file.

Hse. Com. No. 745, returning S.C.R. No. 52, H.D. 2, which was adopted by the House of Representatives on April 16, 2008, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 52, H.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO WORK WITH THE SECRETARY OF HOMELAND SECURITY TO EXPAND THE VISA WAIVER PROGRAM TO INCLUDE TAIWAN," was deferred until Friday, April 18, 2008.

Hse. Com. No. 746, informing the Senate that the Speaker on April 16, 2008, made the following changes to the conferees on the following bills:

H.B. No. 2520, H.D. 3 (S.D. 2):

Representative Lee replaced Representative M. Oshiro as co-chair,

was placed on file.

STANDING COMMITTEE REPORTS

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3589) recommending that the Senate advise and consent to the nomination of MICHAEL H. MCINERNY to the Pest Control Board, in accordance with Gov. Msg. No. 317.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3589 and Gov. Msg. No. 317 was deferred until Friday, April 18, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3590) recommending that the Senate advise and consent to the nomination of HENRY

SASAKI to the State Boxing Commission of Hawai'i, in accordance with Gov. Msg. No. 298.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3590 and Gov. Msg. No. 298 was deferred until Friday, April 18, 2008.

Senators Sakamoto and Fukunaga, for the Committee on Education and the Committee on Economic Development and Taxation, presented a joint report (Stand. Com. Rep. No. 3591) recommending that H.C.R. No. 312, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3591 and H.C.R. No. 312, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO EXTEND ITS LAND LEASE WITH THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION TO CONTINUE TO OPERATE THE MANOA INNOVATION CENTER," was deferred until Friday, April 18, 2008.

Senator Hee, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3592) recommending that H.C.R. No. 347, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3592 and H.C.R. No. 347, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PROCEED EXPEDITIOUSLY WITH THE ADOPTION OF RULES TO REGULATE THE ORNAMENTAL REEF FISHERY INDUSTRY IN SOUTH MAUI AND KANEOHE BAY," was deferred until Friday, April 18, 2008.

Senator Inouye, for the Committee on Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 3593) recommending that H.C.R. No. 147, H.D. 1, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3593 and H.C.R. No. 147, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE INSTALLATION AND USE OF SMOKE DETECTORS IN EVERY HAWAII HOME BY 2010," was deferred until Friday, April 18, 2008.

Senators Sakamoto and Tokuda, for the Committee on Education and the Committee on Agriculture and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 3594) recommending that H.C.R. No. 116, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3594 and H.C.R. No. 116, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AGRICULTURAL DIAGNOSTIC SERVICE CENTER, IN CONSULTATION WITH OTHER PUBLIC AND PRIVATE ENTITIES, TO CONDUCT A SURVEY OF THE INFORMATION NEEDS OF HAWAII'S AGRICULTURAL INDUSTRY, AND ASSESS WHETHER THE HAWAII AGRICULTURE INFORMATION CENTER CAN MEET THOSE NEEDS," was deferred until Friday, April 18, 2008.

Senators Sakamoto and Chun Oakland, for the Committee on Education and the Committee on Human Services and Public Housing, presented a joint report (Stand. Com. Rep. No. 3595) recommending that H.C.R. No. 276, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3595 and H.C.R. No. 276, H.D. 1, entitled: "HOUSE

CONCURRENT RESOLUTION REQUESTING THAT THE UNIVERSITY OF HAWAII SCHOOL OF SOCIAL WORK DEDICATE ITS SCHOOL IN HONOR OF MYRON 'PINKY' THOMPSON, BY CHANGING ITS NAME TO THE 'MYRON THOMPSON SCHOOL OF SOCIAL WORK,'" was deferred until Friday, April 18, 2008.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3577 (Gov. Msg. No. 455):

Senator Kokubun moved that Stand. Com. Rep. No. 3577 be received and placed on file, seconded by Senator Ige and carried.

Senator Kokubun then moved that the Senate advise and consent to the nomination of ROLAND CABALO CASAMINA to the State Boxing Commission of Hawai'i, term to expire June 30, 2012, seconded by Senator Ige.

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

Ayes, 19. Noes, none. Excused, 6 (English, Espero, Hooser, Ihara, Kim, Menor).

Stand. Com. Rep. No. 3578 (Gov. Msg. No. 458):

Senator Kokubun moved that Stand. Com. Rep. No. 3578 be received and placed on file, seconded by Senator Ige and carried.

Senator Kokubun then moved that the Senate advise and consent to the nomination of JOHN K. KAYA to the Board of Veterinary Examiners, term to expire June 30, 2012, seconded by Senator Ige.

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

Ayes, 19. Noes, none. Excused, 6 (English, Espero, Hooser, Ihara, Kim, Menor).

Stand. Com. Rep. No. 3579 (Gov. Msg. Nos. 506 and 507):

Senator Kokubun moved that Stand. Com. Rep. No. 3579 be received and placed on file, seconded by Senator Ige and carried.

Senator Kokubun then moved that the Senate advise and consent to the nominations to the State Board of Public Accountancy of the following:

KEITH ALLEN REGAN, term to expire June 30, 2011 (Gov. Msg. No. 506); and

EMERITO C. SANIATAN, term to expire June 30, 2012 (Gov. Msg. No. 507),

seconded by Senator Ige.

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

Ayes, 19. Noes, none. Excused, 6 (English, Espero, Hooser, Ihara, Kim, Menor).

Stand. Com. Rep. No. 3580 (Gov. Msg. No. 533):

Senator Kokubun moved that Stand. Com. Rep. No. 3580 be received and placed on file, seconded by Senator Ige and carried.

Senator Kokubun then moved that the Senate advise and consent to the nomination of MATTHEW J. BISHOP to the State Board of Nursing, term to expire June 30, 2010, seconded by Senator Ige.

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

Ayes, 19. Noes, none. Excused, 6 (English, Espero, Hooser, Ihara, Kim, Menor).

Stand. Com. Rep. No. 3581 (Gov. Msg. No. 338):

Senator Fukunaga moved that Stand. Com. Rep. No. 3581 be received and placed on file, seconded by Senator Baker and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nomination of PATRICK L. ING CPA to the Board of Taxation Review, 2nd Taxation District (Maui), term to expire June 30, 2012, seconded by Senator Baker.

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

Ayes, 19. Noes, none. Excused, 6 (English, Espero, Hooser, Ihara, Kim, Menor).

Stand. Com. Rep. No. 3582 (Gov. Msg. No. 339):

Senator Fukunaga moved that Stand. Com. Rep. No. 3582 be received and placed on file, seconded by Senator Baker and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nomination of IOANA D. AGASA to the Board of Taxation Review, 3rd Taxation District (Hawai'i), term to expire June 30, 2012, seconded by Senator Baker.

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

Ayes, 19. Noes, none. Excused, 6 (English, Espero, Hooser, Ihara, Kim, Menor).

Stand. Com. Rep. No. 3583 (Gov. Msg. No. 469):

Senator Fukunaga moved that Stand. Com. Rep. No. 3583 be received and placed on file, seconded by Senator Baker and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nomination of TRACY T. CHIANG to the Board of Taxation Review, 1st Taxation District (Oahu), term to expire June 30, 2011, seconded by Senator Baker.

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

Ayes, 19. Noes, none. Excused, 6 (English, Espero, Hooser, Ihara, Kim, Menor).

Stand. Com. Rep. No. 3584 (Gov. Msg. No. 530):

Senator Sakamoto moved that Stand. Com. Rep. No. 3584 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 GARY K. KAJIWARA to the Hawai'i Medical Education Council, 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, 19. Noes, none. Excused, 6 (English, Espero, Hooser, Ihara, Kim, Menor).

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM WEDNESDAY, APRIL 16, 2008

Stand. Com. Rep. No. 3585 (H.C.R. No. 294):

Senator Ige moved that Stand. Com. Rep. No. 3585 and H.C.R. No. 294, be adopted, seconded by Senator Whalen.

Senator Trimble rose to speak in opposition to the measure and stated:

“Madam President, I rise to speak in favor of a cancer center but to vote against H.C.R. No. 294.

“We need a cancer center. We need a cancer center that is operational, 24/7, 365 days a week. We should have learned something from the flooding in Manoa. It does not make sense to put a cancer center in a tsunami zone. It does not make sense to place the cancer center where we would perhaps be required to call on civil defense and other people to help evacuate the facility in case of natural disaster. For that reason I’m voting against this resolution. Thank you.”

Senator Slom requested his “no” vote be cast and the Chair so ordered.

The motion was put by the Chair and carried, the joint report of the Committees was adopted and H.C.R. No. 294, entitled: “HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII AND SUPPORTING COMMUNITY MEMBERS TO MOVE EXPEDITIOUSLY TO IMPLEMENT PLANS FOR THE CONSTRUCTION OF THE CANCER RESEARCH CENTER OF HAWAII AT KAKAAKO,” was adopted with Senators Slom and Trimble voting “No.”

Stand. Com. Rep. No. 3586 (H.C.R. No. 126, H.D. 1, S.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and H.C.R. No. 126, H.D. 1, S.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH TO JOINTLY STUDY THE FEASIBILITY OF INTEGRATING REHABILITATION PROGRAMS FOR STUDENTS WITH ANGER PROBLEMS,” was adopted.

Stand. Com. Rep. No. 3587 (H.C.R. No. 226, S.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and H.C.R. No. 226, S.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII’S JOHN A. BURNS SCHOOL OF MEDICINE TO CONDUCT A SURVEY OF CURRENT AND PROSPECTIVE STUDENTS TO EXAMINE AND DEVELOP A PLAN TO ADDRESS RURAL HEALTH PROFESSIONAL SHORTAGE AREAS IN THE STATE,” was adopted.

Stand. Com. Rep. No. 3588 (H.C.R. No. 114, S.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.C.R. No. 114, S.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE CIVIL DEFENSE DIVISION OF THE DEPARTMENT OF DEFENSE TO CONDUCT A STUDY TO DETERMINE THE FEASIBILITY OF ALLOWING THE FACILITIES AT LUALUALEI, WHICH ARE OWNED BY THE UNITED STATES NAVY, TO BE USED AS AN EMERGENCY SHELTER FOR CIVILIANS,” was adopted.

RE-REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

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

House

Concurrent Resolution

Referred to:

H.C.R. No. 258

Committee on Water and Land

H.C.R. No. 348, H.D. 1

Committee on Water and Land

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 2159 (H.D. 1):

Senator Ige moved that the Senate reconsider its action taken in agreeing to the amendments proposed by the House to S.B. No. 2159.

At 11:46 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:46 a.m.

Senator Ige said:

“Let me restate the motion.”

The President then said:

“Please proceed.”

Senator Ige moved that the Senate reconsider its action taken on April 4, 2008, in disagreeing to the amendments proposed by the House to S.B. No. 2159, seconded by Senator Kokubun and carried.

Senator Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 2159, seconded by Senator Kokubun.

Senator Ige rose to speak in support of the measure as follows:

“Madam President, the amendments made by the House would include these mental health professionals as those that would be capable of providing services under various plans. And we’ve had and adopted similar measures in the past and we are agreeable to those amendments in this measure.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2159, and S.B. No. 2159, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROFESSIONS,” was placed on the calendar for Final Reading on Friday, April 18, 2008.

Senator Sakamoto, Chair of the Committee on Education, requested that the referral of H.C.R. No. 265 to the Committee on Education be waived.

Senator Sakamoto noted:

“Madam President, we or some of us have seen the Kapaa Library as it sort of land-locked and limited and at this point rather than time trying to during conference time have a specific hearing on this measure I would request that we waive it to the Floor so we can move forward.”

The Chair then granted the waiver.

By unanimous consent, the following concurrent resolution was placed on the calendar for Adoption on Friday, April 18, 2008:

H.C.R. No. 265, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO EXPLORE THE FEASIBILITY OF AND TO DEVELOP A PLAN THEREFOR RELOCATING THE KAPAA PUBLIC LIBRARY.”

At 11:48 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:51 a.m.

ADJOURNMENT

At 11:51 a.m., on motion by Senator Ige, seconded by Senator Whalen and carried, the Senate adjourned until 11:30 a.m., Friday, April 18, 2008.