

FIFTEENTH DAY

Thursday, February 10, 2011

The Senate of the Twenty-Sixth Legislature of the State of Hawai'i, Regular Session of 2011, convened at 11:37 a.m. with the President in the Chair.

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

The President announced that he had read and approved the Journal of the Fourteenth Day.

At this time, Senator English, on behalf of the Maui Senators, recognized and congratulated Maui Economic Opportunity, Inc. (MEO) for its commitment to improving communities and the elimination of poverty on Maui, Moloka'i, and Lāna'i. MEO was represented by CEO Lyn McNeff.

Senator Kouchi recognized and congratulated Kaua'i Economic Opportunity, Inc. (KEO) for the service, help, and multitude of programs they provide to the community on Kaua'i. KEO was represented by CEO MaBel Fujiuchi and various board members and staff who were seated in the gallery.

Senator Galuteria, on behalf of the O'ahu Senators, recognized and congratulated the Honolulu Community Action Program (HCAP) for empowering low income communities, families, and individuals to become self-sufficient. HCAP was represented by Executive Director Robert Piper.

Senator Solomon, on behalf of Senators Kahele and Green, recognized and congratulated the Hawai'i County Economic Opportunity Council (HCEO) for the impressive work they do in providing much-needed services to the kūpuna, low income families, and other citizens on the island of Hawai'i. Representing HCEO was its new director Lester Seto.

At 11:44 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:51 a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 125 and 126) were read by the Clerk and were placed on file:

Gov. Msg. No. 125, letter dated January 25, 2011, informing the Senate that the Governor has approved the expenditure by the Department of Accounting and General Services of \$8,165,000 in private contributions from SMG Hawaii to finance the design and construction of repairs and improvements for the Hawaii Convention Center, pursuant to Act 162, Section 109, SLH 2009.

Gov. Msg. No. 126, dated February 8, 2011, transmitting the Report on Recommendations on the Housing, Funding, and Proposed Legislation to Implement Act 200, SLH 2010, prepared by the Department of Accounting and General Services pursuant to Act 200, SLH 2010.

HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 6) was read by the Clerk and was disposed of as follows:

Hse. Com. No. 6, transmitting H.B. No. 258, H.D. 1, which passed Third Reading in the House of Representatives on February 9, 2011, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 258, H.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO CAMPAIGN SPENDING," passed First Reading by title and was deferred.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 29) was read by the Clerk and was deferred:

S.C.R. No. 29 "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE OF HAWAII TO PROVIDE THE DELEGATES AND OFFICERS OF THE NATIVE HAWAIIAN CONVENTION WITH THE FINANCIAL AND OTHER SUPPORT NEEDED TO COMPLETE THEIR WORK."

Offered by: Senators Shimabukuro, Green, Espero, Gabbard, Kahele, Kidani, Wakai.

SENATE RESOLUTION

The following resolution (S.R. No. 10) was read by the Clerk and was deferred:

S.R. No. 10 "SENATE RESOLUTION REQUESTING THE STATE OF HAWAII TO PROVIDE THE DELEGATES AND OFFICERS OF THE NATIVE HAWAIIAN CONVENTION WITH THE FINANCIAL AND OTHER SUPPORT NEEDED TO COMPLETE THEIR WORK."

Offered by: Senators Shimabukuro, Green, Espero, Gabbard, Kahele, Kidani, Tokuda, Wakai.

STANDING COMMITTEE REPORTS

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 64) recommending that S.B. No. 1055, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1055, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 65) recommending that S.B. No. 1061, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1061, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 66) recommending that S.B. No. 1062, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1062, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 67) recommending

that S.B. No. 1083, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1083, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 68) recommending that S.B. No. 1084, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1084, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 69) recommending that S.B. No. 1085, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1085, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 70) recommending that S.B. No. 1095, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1095, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 71) recommending that S.B. No. 1063, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1063, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 72) recommending that S.B. No. 1064, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1064, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 73) recommending that S.B. No. 1075, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1075, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 74) recommending that S.B. No. 1077, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1077, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 75) recommending that S.B. No. 1096, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1096, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 76) recommending that S.B. No. 1553 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1553, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 77) recommending that S.B. No. 1383, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1383, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Espero and English, for the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Transportation and International Affairs, presented a joint report (Stand. Com. Rep. No. 78) recommending that S.B. No. 169, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 169, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CARGO INSPECTIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 79) recommending that S.B. No. 651, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 651, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 80) recommending that S.B. No. 806, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 806, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 81) recommending that S.B. No. 880 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 880, entitled: "A BILL FOR AN ACT RELATING TO VETERANS RIGHTS AND BENEFITS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 82) recommending that S.B. No. 171, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 171, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 83) recommending that S.B. No. 172, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 172, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 84) recommending that S.B. No. 173, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 173, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 85) recommending that S.B. No. 782, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B.

No. 782, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DANGEROUS WEAPONS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 86) recommending that S.B. No. 94 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 94, entitled: "A BILL FOR AN ACT RELATING TO BUILDING APPROVALS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 87) recommending that S.B. No. 258 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 258, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 88) recommending that S.B. No. 742, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 742, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 89) recommending that S.B. No. 879, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 879, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM MAINTENANCE ALLOWANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 90) recommending that S.B. No. 882, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 882, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A MEMORIAL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 91) recommending that S.B. No. 883, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 883, S.D. 1, entitled: "A BILL FOR AN ACT RELATING

TO SPECIAL NUMBER PLATES,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 92) recommending that S.B. No. 1122 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1122, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL FOR OPERATING EXPENSES,” passed Second Reading and was referred to the Committee on Ways and Means.

**ORDER OF THE DAY
ADVISE AND CONSENT**

Stand. Com. Rep. No. 63 (Gov. Msg. No. 512):

Senator Hee moved that Stand. Com. Rep. No. 63 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 DWIGHT TAKAMINE as the Director of the Department of Labor and Industrial Relations, term to expire December 1, 2014, seconded by Senator Shimabukuro.

Senator Solomon rose in support of the nominee as follows:

“Of course, Dwight Takamine is not only a former colleague, but also a friend, and I can best summarize the Takamine legacy. Of course, his father I would consider as a legend amongst these halls and a legend as it pertains to labor, especially in the advocacy of rights for workers, the advocacy for better conditions. The Takamine ‘ohana has come from the plantation to this new millennium, and I’m just so proud that Dwight Takamine sees it in the best interests of Hawai‘i to continue this service. I can’t help but think of this song every time I think of the Takamines—“We Shall Overcome”—Mr. President. So, I’m looking forward to continuing to work with Dwight as the chairman of what I consider one of the most important departments in the State of Hawai‘i because, as you know, we are a labor-driven state. So with that, Mr. President, I urge my colleagues to please support Dwight Takamine’s nomination. Thank you.”

Senator Taniguchi rose in support of the nominee as follows:

“It’s better known as his dream job. I’ve known Dwight for many years, having met him initially while we were both students at the University of Hawai‘i in the early 70s. He is a Honoka‘a, Big Island product who has never forgotten his plantation roots. We attended the Richardson School of Law together and we were in the same study group throughout the three years we were there. I was happy that he decided to run for office when his father Yoshito decided to retire. We served for many years together in the State House, and I especially enjoyed working with him for the six years that he was the Finance Committee Chair and I was the Ways and Means Chair in the Senate. Anyone who knows Dwight knows that he is dedicated to working for the best interests of working people in our state. He is highly qualified for this position because he has practiced labor law and has served as labor chair in both houses for many years. He works extremely hard, knows the issues, and now as labor director I’m sure he will be fair to all parties because that’s the kind of person he is. For these reasons, I’m asking my colleagues to support Dwight’s confirmation as Director of DLIR. Thank you.”

Senator Hee rose in support of the nominee as follows:

“The two previous speakers, who are both older than me, have demonstrated their wisdom beyond, certainly, any expectation that I may have had.

“It is said, ‘the acorn doesn’t fall far from the tree,’ and so we have the privilege of confirming a true ‘acorn’ in Dwight Takamine. Senator Kim and Senator Taniguchi and myself have had the privilege of serving with Dwight’s father, Yoshito, a long-time member of the ILWU; and then subsequently we have also each had, as well as the rest of the members, had the privilege of serving with the nominee himself. There’s no question—I believe that I speak for everyone—when the attributes of fairness and hard work are brought up in reference to Dwight Takamine. He works so hard that he didn’t bring his wife today because he was working too hard. But he did bring his aunt, May Takamine, and he did bring some close friends, Lynette Kama Hopkins and Shawna Lau Kong. With these few remarks, Mr. President, I urge my colleagues to confirm someone who I believe will be the best Director of the Department of Labor and Industrial Relations that the state has ever had. Thank you very much.”

Senator Green rose in support of the nominee as follows:

“When I came into office—in I guess, 2005 or 2006—I was honored to come in with Representative Takamine at the time, and he taught me about reorganization about three hours after we started the phone call and insisted that I drive over to Hilo from Kona. But I will say he was a very, very generous individual with me as a young legislator, and I can honestly say over the course of the six years that I was privileged to work with Dwight that not a single time did he express any impatience when I was learning the ropes. So, he’s a terrific fellow, and I’m really honored to be here voting for his confirmation today. Thank you, Dwight.”

Senator Gabbard rose in support of the nominee as follows:

“I would also like to add my unequivocal support for the nominee. I’ve not known him long, but he is a fine fellow as Senator Green said. Congratulations. Thank you, sir.”

Senator Kahele rose in support of the nominee as follows:

“I rise in support of the nomination of Dwight Takamine as the director and acknowledge that the Governor has made an excellent choice in doing that. I had the privilege of getting to know Dwight, although I’ve known his dad, Yoshito Takamine, and his mom. My previous colleagues have stated eloquently all the good things that the Takamine family has done along the Hāmākua coast, and—as you all know here, his former colleagues—what he has done for the State of Hawai‘i. So mahalo, Dwight. Thank you.”

Senator Kouchi rose in support of the nominee as follows:

“I, too, have had the opportunity and pleasure to work with Dwight, both when he was in the House and when he was here in the Senate, and I have always found him to be gracious and very supportive for the neighbor island issues. More importantly, I was invited into his home by his father in Honoka‘a, and had the opportunity to work with his father when he was in the House, and the kindness shown to me by the whole family. The common bond we share is that my mom was born and raised in Honoka‘a, and so I am pleased to support a fellow Honoka‘a-an this morning. Thank you.”

Senator Slom rose in support of the nominee as follows:

“It’s interesting. We’ve known each other for a long time. We used to battle in the House, and then we came over to the Senate. I think he mellowed out because that’s what the Senate does—we mellow people. And I enjoyed sitting next to him in the labor committee days. He was very gracious. He was very fair. And he used to call me at night, ‘Sam, could you please

explain this to me?" And of course, I'd spend a lot of time trying to explain the free market to him, and competition, and employer-employee relations, and I think he's getting it, Mr. President. But he was always fair. He was always open. And I know that he will be a good director. And even though initially he wanted to change it to the State Department of Labor Organizations and Card Check Provisions, I think he has agreed now to keep it with DLIR, and I don't think he too much would like the, I guess, comparison to an acorn, seeing what that organization has gone through in the last couple years. But I know that he will keep an open mind, that he'll run a good department, that he'll look to the fairness for all workers, whether they be organized labor members or not; and so I'm very happy to support Dwight Takamine. 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 (Ihara, Kim).

At this time, Senator Hee introduced Director Takamine, who was accompanied by his Aunt May Takamine, and former workers and staff including Lynnette Marushige, Kama Hopkins, and Shawna Lau Kong.

At 12:03 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:09 p.m.

THIRD READING

S.B. No. 101, S.D. 1:

On motion by Senator Green, seconded by Senator Nishihara and carried, S.B. No. 101, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 244:

On motion by Senator Tokuda, seconded by Senator Kidani and carried, S.B. No. 244, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1171:

On motion by Senator Tokuda, seconded by Senator Kidani and carried, S.B. No. 1171, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

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

"Colleagues, today we have just completed our 15th legislative day. We're one-fourth of the way finished on our session this year. One-fourth of the way finished and we still have not received the budget. The budget is supposed to be our primary responsibility this year. I find it extremely difficult and disconcerting to deal with the situation that we have not gotten the budget and not gotten the financial information. Instead, we have had diversions. We rushed and spent many hours and many resources on a civil unions bill. We've got animal bills up the wazoo, from bats to jackasses to elephants. We've looked at all other kinds of things rather than what we're here for and what's the most responsible. And I think that we should urge the administration to give us those budgetary figures; give them

to the House, give them to the Senate, so that we can get on with that business.

"I would also like to say that this legislative session, to date, has done nothing to improve Hawai'i's devastated economy, or to create jobs here, or to do anything to improve our business and investment climate, so that we can attract new money, new capital, create new opportunities. And that's what we should be doing. Everybody is looking at more ways of taxing people, regulating people, banning and prohibiting, rather than telling people, 'Look, we've got a good business opportunity here. This is a place that people should invest and create jobs and add employees,' but we have not been doing that. And, finally, Mr. President, you I'm sure are aware that we have gotten national publicity for being the only state legislature, the only state Senate, to ban prayer at a time when we certainly need guidance from above. We have done that. I would urge you and the members of the majority of this body reconsider our rules. I think that more than ever we need this now. Thank you, Mr. President."

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

"Mr. President, on a different note: As you know, Mr. President, the lottery bills have bit the dust; and no matter what my colleagues' positions on those bills, when the bills were introduced and the thought was these bills would serve as revenue generators, now, due to the decision of the committees, that these bills no longer exist. Mr. President, on a point of information, is the leadership working on other kinds of revenue generating pieces of legislation that we in fact could really come up with a plan of action to be able to compensate for the \$850 million deficit that the state is now faced with?"

The Chair responded as follows:

"Yes, we are, Senator."

Senator Solomon continued:

"Excellent. On the second, and finally, I want to congratulate the Ways and Means Committee Chairman for taking the challenge and introducing Senate Bill No. 120. We have received interesting information from this morning's review. And, of course, the point that stands out in my mind is the President of the University when she admitted that she had 600 special funds and really has no idea what the balances are in these funds. So I think, Mr. President, just speaking in support of the whole concept that we really need a handle on these general funds, calling these balances back to the Legislature. I'm hoping to have the support of the leadership to support the various subject matter chairmen in which these particular special funds are located because they're throughout every department, and to look at those balances and to be able to make a recommendation that these dollars be returned back to the Legislature, so we in fact can reprioritize, redirect, and to create a New Day in Hawai'i. Thank you very much, Mr. President."

At this time, the Chair made the following announcement:

"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."

ADJOURNMENT

At 12:15 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Friday, February 11, 2011.