

FIFTY-FIFTH DAY

Tuesday, April 26, 2011

The Senate of the Twenty-Sixth Legislature of the State of Hawai'i, Regular Session of 2011, convened at 11:34 a.m. with the President in the Chair.

The President announced that he had read and approved the Journal of the Fifty-Fourth Day.

At this time, Senator Slom introduced the parents of session attorney Lauren Rogan: Kevin Rogan, Assistant Superintendent of Schools for the Scranton School District in Pennsylvania, and Toni Rogan, a residential builder and past president of the Pennsylvania Builders Association.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 790 and 1109 to 1116) were read by the Clerk and were placed on file:

Gov. Msg. No. 790, informing the Senate that on April 25, 2011, the Governor withdrew the following Gubernatorial Nominees from consideration by the Senate: PATRICK W. NAUGHTON, Gubernatorial Nominee to the University of Hawai'i Board of Regents (Gov. Msg. No. 660); and SANDRA W. SCARR, Gubernatorial Nominee to the University of Hawai'i Board of Regents (Gov. Msg. No. 661).

Gov. Msg. No. 1109, informing the Senate that on April 25, 2011, the Governor signed into law Senate Bill No. 704, S.D. 2 as Act 9, entitled: "RELATING TO RENEWABLE ENERGY."

Gov. Msg. No. 1110, informing the Senate that on April 25, 2011, the Governor signed into law Senate Bill No. 1346, S.D. 2 as Act 10, entitled: "RELATING TO RENEWABLE PORTFOLIO STANDARDS."

Gov. Msg. No. 1111, informing the Senate that on April 25, 2011, the Governor signed into law Senate Bill No. 124, S.D. 1 as Act 11, entitled: "RELATING TO INSURANCE."

Gov. Msg. No. 1112, informing the Senate that on April 25, 2011, the Governor signed into law Senate Bill No. 27, S.D. 1 as Act 12, entitled: "RELATING TO LONG-TERM CARE INSURANCE."

Gov. Msg. No. 1113, informing the Senate that on April 25, 2011, the Governor signed into law Senate Bill No. 35 as Act 13, entitled: "RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT."

Gov. Msg. No. 1114, informing the Senate that on April 25, 2011, the Governor signed into law House Bill No. 1622, H.D. 1 as Act 14, entitled: "RELATING TO HISTORIC PRESERVATION."

Gov. Msg. No. 1115, informing the Senate that on April 25, 2011, the Governor signed into law Senate Bill No. 1273, S.D. 1 as Act 15, entitled: "RELATING TO HEALTH INSURANCE."

Gov. Msg. No. 1116, informing the Senate that on April 25, 2011, the Governor signed into law House Bill No. 1087, H.D. 1 as Act 16, entitled: "RELATING TO PUBLIC SAFETY."

DEPARTMENTAL COMMUNICATION

The following communication (Dept. Com. No. 86) was read by the Clerk and was placed on file:

Dept. Com. No. 86, from the University of Hawaii, College of Social Sciences, transmitting a report from the Long Term Care Commission, pursuant to Act 224, SLH 2008 as amended by Act 24, SLH 2010.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 675 to 687) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 675, informing the Senate that on April 25, 2011, the Speaker made the following changes to the conferees on the following bills:

H.B. No. 70, H.D. 2 (S.D. 1):

Representative Cabanilla discharged as co-chair.

Representative Kawakami added as co-chair.

H.B. No. 519, H.D. 1 (S.D. 2):

Discharged all conferees.

H.B. No. 960, H.D. 1 (S.D. 2):

Representative Cabanilla discharged as co-chair.

Representative Jordan added as co-chair.

S.B. No. 181, S.D. 1 (H.D. 1):

Representative Chong replaced Representative Cabanilla as a co-chair.

S.B. No. 900, S.D. 2 (H.D. 2):

Representative Cabanilla discharged as co-chair.

Representative Kawakami added as co-chair.

S.B. No. 903, S.D. 1 (H.D. 1):

Representative Cabanilla discharged as co-chair.

Representative Jordan added as co-chair.

S.B. No. 912, S.D. 2 (H.D. 1):

Representative Cabanilla discharged as co-chair.

Representative Kawakami added as co-chair.

S.B. No. 1394, S.D. 1 (H.D. 1):

Representative Cabanilla discharged as co-chair.

Representative Har added as co-chair,

was placed on file.

Hse. Com. No. 676, returning S.C.R. No. 2, S.D. 1, which was adopted by the House of Representatives on April 25, 2011, was placed on file.

Hse. Com. No. 677, returning S.C.R. No. 28, S.D. 2, which was adopted by the House of Representatives on April 25, 2011, was placed on file.

Hse. Com. No. 678, returning S.C.R. No. 53, S.D. 1, which was adopted by the House of Representatives on April 25, 2011, was placed on file.

Hse. Com. No. 679, returning S.C.R. No. 127, S.D. 1, which was adopted by the House of Representatives on April 25, 2011, was placed on file.

Hse. Com. No. 680, returning S.C.R. No. 134, S.D. 1, which was adopted by the House of Representatives on April 25, 2011, was placed on file.

Hse. Com. No. 681, returning S.C.R. No. 159, S.D. 2, which was adopted by the House of Representatives on April 25, 2011, was placed on file.

Hse. Com. No. 682, returning S.C.R. No. 124, S.D. 2, as amended in H.D. 1, which was adopted by the House of Representatives on April 25, 2011, was placed on file.

By unanimous consent, action on S.C.R. No. 124, S.D. 2 (H.D. 1), entitled: "SENATE CONCURRENT RESOLUTION URGING THE CONVENING OF TASK FORCES TO DEVELOP COMMUNITY BENEFITS PACKAGES FOR THE NEIGHBORHOODS LOCATED NEAREST TO LANDFILLS," was deferred until Wednesday, April 27, 2011.

Hse. Com. No. 683, informing the Senate that on April 25, 2011, the Speaker appointed conferees on the part of the House for the consideration of amendments proposed by the Senate to the following House bills:

H.B. No. 575, H.D. 1 (S.D. 2):

Representatives Rhoads, M. Oshiro, co-chairs; Cullen, Hashem, Jordan, Ichiyama, Kawakami, Morikawa, Marumoto, Ward.

H.B. No. 848, H.D. 2 (S.D. 1):

Representatives M. Oshiro, chair; Chong, Choy, M. Lee, Marumoto,

was placed on file.

Hse. Com. No. 684, informing the Senate that on April 25, 2011, the Speaker appointed conferees on the part of the House for the consideration of amendments proposed by the House to the following Senate bill:

S.B. No. 1107, S.D. 1 (H.D. 2):

Representatives M. Oshiro, chair; Chong, Choy, M. Lee, Marumoto,

was placed on file.

Hse. Com. No. 685, informing the Senate that S.B. No. 98, S.D. 2, H.D. 1, C.D. 1 passed Final Reading in the House of Representatives on April 25, 2011.

Hse. Com. No. 686, informing the Senate that the House agreed to the amendments proposed by the Senate to the following House bills and said bills passed Final Reading in the House of Representatives on April 25, 2011:

H.B. No. 49, H.D. 1, S.D. 1;
H.B. No. 320, H.D. 2, S.D. 1;
H.B. No. 397, H.D. 2, S.D. 2;
H.B. No. 915, H.D. 2, S.D. 2; and
H.B. No. 1093, H.D. 1, S.D. 2,

was placed on file.

Hse. Com. No. 687, informing the Senate that on April 25, 2011, the House has reconsidered its action taken on April 14, 2011, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 299, H.D. 1 (S.D. 1); and
H.B. No. 519, H.D. 1 (S.D. 2),

was placed on file.

STANDING COMMITTEE REPORTS

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 1345) recommending that the Senate advise and consent to the nominations to the Community-Based Economic Development Advisory Council of the following:

MARY ANN MANAHAN, in accordance with Gov. Msg. No. 688; and

SHARON SAKAMOTO, in accordance with Gov. Msg. No. 689.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1345 and Gov. Msg. Nos. 688 and 689 was deferred until Wednesday, April 27, 2011.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 1346) recommending that the Senate advise and consent to the nominations to the Board of Directors of the Hawai'i Strategic Development Corporation of the following:

KEIKI-PUA S. DANCIL, in accordance with Gov. Msg. No. 585; and

JON WALLENSTROM, in accordance with Gov. Msg. No. 696.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1346 and Gov. Msg. Nos. 585 and 696 was deferred until Wednesday, April 27, 2011.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 1347) recommending that the Senate advise and consent to the nominations to the High Technology Development Corporation, Board of Directors of the following:

CRAIG I. NAKANISHI, in accordance with Gov. Msg. No. 543;

JOHN F. MORTON, in accordance with Gov. Msg. No. 691;

RACE A. RANDLE, in accordance with Gov. Msg. No. 692;

ASSUMPTA C. RAPOZA, in accordance with Gov. Msg. No. 693;

RICHARD M. ROSENBLUM, in accordance with Gov. Msg. No. 694; and

MICHAEL SCHMICKER, in accordance with Gov. Msg. No. 695.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1347 and Gov. Msg. Nos. 543, 691, 692, 693, 694 and 695 was deferred until Wednesday, April 27, 2011.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 1348) recommending that the Senate advise and consent to the nomination of BARBARA SAROMINES-GANNE to the State Foundation on Culture and the Arts Commission, in accordance with Gov. Msg. No. 608.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1348 and Gov. Msg. No. 608 was deferred until Wednesday, April 27, 2011.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 1349) recommending that the Senate advise and consent to the nominations to the Historic Places Review Board, Hawai'i of the following:

GEORGE CASEN, in accordance with Gov. Msg. No. 540;

GERALD L. DE MELLO, in accordance with Gov. Msg. No. 541; and

ROBERT K. IOPA, in accordance with Gov. Msg. No. 690.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1349 and Gov. Msg. Nos. 540, 541 and 690 was deferred until Wednesday, April 27, 2011.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1350) recommending that the Senate advise and consent to the nomination of JAMES P. KARINS to the Board of Directors of the Research Corporation of the University of Hawai'i, in accordance with Gov. Msg. No. 627.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1350 and Gov. Msg. No. 627 was deferred until Wednesday, April 27, 2011.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1351) recommending that the Senate advise and consent to the nomination of ARTHUR A. USHIJIMA to the Hawai'i Medical Education Council, in accordance with Gov. Msg. No. 697.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1351 and Gov. Msg. No. 697 was deferred until Wednesday, April 27, 2011.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1352) recommending that the Senate consent to the appointment of RHONDA IWALANI LAI LOO to the Circuit Court of the Second Circuit, State of Hawaii, in accordance with Gov. Msg. No. 667.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1352 and Gov. Msg. No. 667 was deferred until Thursday, April 28, 2011.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1353) recommending that the Senate advise and consent to the nomination of BEN H. NELSON to the Mental Health and Substance Abuse, Kaua'i Service Area Board, in accordance with Gov. Msg. No. 713.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1353 and Gov. Msg. No. 713 was deferred until Wednesday, April 27, 2011.

ORDER OF THE DAY

AGREE/DISAGREE

MATTER DEFERRED FROM MONDAY, APRIL 25, 2011

S.C.R. No. 44, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 44, S.D. 1, (H.D. 1), entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING FURTHER IMPLEMENTATION OF HOUSING FIRST PROGRAMS AND SERVICES TO COMBAT CHRONIC HOMELESSNESS," was deferred until Wednesday, April 27, 2011.

ADVISE AND CONSENT

Stand. Com. Rep. No. 1335 (Gov. Msg. Nos. 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, and 771):

Senator Espero moved that Stand. Com. Rep. No. 1335 be received and placed on file, seconded by Senator Kidani and carried.

Senator Espero then moved that the Senate advise and consent to the nominations to the Hawai'i Aerospace Advisory Committee of the following:

STEWART BURLEY, term to expire June 30, 2013 (Gov. Msg. No. 758);

LEEANN CRABBE, term to expire June 30, 2013 (Gov. Msg. No. 759);

STEPHEN DAY, term to expire June 30, 2013 (Gov. Msg. No. 760);

ROCKLIN GMEINER, term to expire June 30, 2013 (Gov. Msg. No. 761);

GALEN HO, term to expire June 30, 2013 (Gov. Msg. No. 762);

MICHAEL T. MABERRY, term to expire June 30, 2013 (Gov. Msg. No. 763);

MARK MCGUFFIE, term to expire June 30, 2013 (Gov. Msg. No. 764);

PETER MOUGINIS-MARK, term to expire June 30, 2013 (Gov. Msg. No. 765);

JAMES L. PASQUINO, term to expire June 30, 2013 (Gov. Msg. No. 766);

ELLIOT PULHAM, term to expire June 30, 2013 (Gov. Msg. No. 767);

PETER QUIGLEY, term to expire June 30, 2013 (Gov. Msg. No. 768);

STEVEN J. SKLADANEK, term to expire June 30, 2013 (Gov. Msg. No. 769);

DONALD STRANEY, term to expire June 30, 2013 (Gov. Msg. No. 770); and

DERRICK TSURUDA, term to expire June 30, 2013 (Gov. Msg. No. 771),

seconded by Senator Kidani.

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

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

Stand. Com. Rep. No. 1336 (Gov. Msg. No. 643):

Senator Green moved that Stand. Com. Rep. No. 1336 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nomination of AMY DOFF to the Health Planning Council, Hawai'i County Subarea, term to expire June 30, 2015, seconded by Senator Nishihara.

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

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

Stand. Com. Rep. No. 1337 (Gov. Msg. No. 644):

Senator Green moved that Stand. Com. Rep. No. 1337 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nomination of KEVIN NAKAMURA to the Board of Certification of Operation Personnel in Wastewater Treatment Plants, term to expire June 30, 2015, seconded by Senator Nishihara.

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

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

Stand. Com. Rep. No. 1338 (Gov. Msg. Nos. 705 and 706):

Senator Green moved that Stand. Com. Rep. No. 1338 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nominations to the Board of Health of the following:

VINCENT LEE, term to expire June 30, 2015 (Gov. Msg. No. 705); and

MARK YAMAKAWA, term to expire June 30, 2015 (Gov. Msg. No. 706),

seconded by Senator Nishihara.

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

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

Stand. Com. Rep. No. 1339 (Gov. Msg. No. 707):

Senator Green moved that Stand. Com. Rep. No. 1339 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nomination of HEATHER LUSK to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances, term to expire June 30, 2015, seconded by Senator Nishihara.

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

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

Stand. Com. Rep. No. 1340 (Gov. Msg. Nos. 708 and 709):

Senator Green moved that Stand. Com. Rep. No. 1340 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nominations to the State Council on Mental Health of the following:

CHARLENE DARABAN, term to expire June 30, 2015 (Gov. Msg. No. 708); and

THERESA MINAMI, term to expire June 30, 2015 (Gov. Msg. No. 709),

seconded by Senator Nishihara.

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

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

Stand. Com. Rep. No. 1341 (Gov. Msg. Nos. 710, 711 and 712):

Senator Green moved that Stand. Com. Rep. No. 1341 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nominations to the Mental Health and Substance Abuse, Hawai'i Service Area Board of the following:

ALICE L. BRATTON, term to expire June 30, 2015 (Gov. Msg. No. 710);

CHRISTOPHER HOLSCHUH, term to expire June 30, 2015 (Gov. Msg. No. 711); and

STACY KUWATA, term to expire June 30, 2015 (Gov. Msg. No. 712),

seconded by Senator Nishihara.

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

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

Stand. Com. Rep. No. 1342 (Gov. Msg. Nos. 716, 717 and 718):

Senator Green moved that Stand. Com. Rep. No. 1342 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nominations to the Radiologic Technology Board of the following:

JODI ANN NAKAOKA, term to expire June 30, 2013 (Gov. Msg. No. 716);

KATHLEEN ANN SUGAI, term to expire June 30, 2013 (Gov. Msg. No. 717); and

ANITA L. TU'UA, term to expire June 30, 2014 (Gov. Msg. No. 718),

seconded by Senator Nishihara.

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

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

Stand. Com. Rep. No. 1343 (Gov. Msg. Nos. 719, 720 and 721):

Senator Green moved that Stand. Com. Rep. No. 1343 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nominations to the Emergency Medical Services Advisory Committee of the following:

ALAN KIMURA, term to expire June 30, 2012 (Gov. Msg. No. 719);

ZACHARY OCTAVIO, term to expire June 30, 2014 (Gov. Msg. No. 720); and

KARLSON PUNG, term to expire June 30, 2015 (Gov. Msg. No. 721),

seconded by Senator Nishihara.

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

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

ADOPTION OF RESOLUTIONS

MATTER DEFERRED FROM MONDAY, APRIL 25, 2011

Stand. Com. Rep. No. 1344 (H.C.R. No. 273, S.D. 1):

Senator Kim moved that Stand. Com. Rep. No. 1344 and H.C.R. No. 273, S.D. 1 be recommitted to the Committee on Tourism and the Committee on Education, seconded by Senator Tokuda.

Senator Kim noted:

“Your committees would like to reconsider its previous decision and recommend that the resolution pass unamended.

The decision making meeting is scheduled for tomorrow afternoon at 3:30 pm in conference room 423.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1344 and H.C.R. No. 273, S.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE SCHOOL OF TRAVEL INDUSTRY MANAGEMENT AT THE UNIVERSITY OF HAWAII AT MANOA TO DEVELOP ENHANCEMENTS FOR THE TOURISM-RELATED CAPABILITIES OF THE UNIVERSITY OF HAWAII ECONOMIC RESEARCH ORGANIZATION DATA PORTAL AND EVALUATE WAYS TO BRING GREATER EFFICIENCIES TO THE WAY TOURISM-RELATED DATA IS STORED AND MONITORED,” were recommitted to the Committee on Tourism and the Committee on Education.

MISCELLANEOUS BUSINESS

WAIVER OF REFERRAL

Senator Green, Chair of the Committee on Health, requested that the referrals of the following House concurrent resolutions to the Committee on Health; the Committee on Ways and Means; the Committee on Water, Land, and Housing; and the Committee on Agriculture be waived pursuant to Senate Rule 46(4):

H.C.R. No. 4, H.D. 1;
H.C.R. No. 55;
H.C.R. No. 128, H.D. 2;
H.C.R. No. 205;
H.C.R. No. 209;
H.C.R. No. 238; and
H.C.R. No. 266, H.D. 1.

Senator Green noted:

“The provisions of these resolutions were acceptable to your committees, and thus we would like to recommend adoption ‘as is’ in order to return these measures to the House.”

The Chair granted the waiver.

By unanimous consent, the following House concurrent resolutions were placed on the calendar for adoption on Wednesday, April 27, 2011:

H.C.R. No. 4, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION DECLARING THE MONTH OF MAY AS LUPUS AWARENESS MONTH IN HAWAII;”

H.C.R. No. 55, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT AND IMPLEMENTATION OF A PAIN AND PALLIATIVE CARE POLICY;”

H.C.R. No. 128, H.D. 2, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO CONVENE A TASK FORCE TO REVIEW POLICIES AND PROCEDURES FOR STATE FUNDED DRUG COVERAGE PROGRAMS AND SERVICES;”

H.C.R. No. 205, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A TASK FORCE REGARDING THE IMPLEMENTATION OF ACT 1, SESSION LAWS OF HAWAII 2011;”

H.C.R. No. 209, entitled: “HOUSE CONCURRENT RESOLUTION RECOGNIZING OCTOBER AS WOMEN’S HEALTH MONTH;”

H.C.R. No. 238, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO FULLY SUPPORT THE DEVELOPMENT OF

THE SHELLFISH AQUACULTURE INDUSTRY AND IMPLEMENT A STATEWIDE CLASSIFICATION PROGRAM FOR SHELLFISH GROWING AREAS;” and

H.C.R. No. 266, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION RECOGNIZING OCTOBER OF EACH YEAR AS “DOWN SYNDROME AWARENESS MONTH” IN HAWAII.”

Senator Ige, Chair of the Committee on Ways and Means, requested that the referral of H.C.R. No. 166 to the Committee on Ways and Means be waived pursuant to Senate Rule 46(4):

Senator Ige noted:

“The provisions of H.C.R. No. 166 are acceptable to your committee, and thus we would like to recommend adoption AS IS in order to return this measure to the House.”

The Chair granted the waiver.

By unanimous consent, H.C.R. 166, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY REGARDING THE TRANSFER OF NON-GENERAL FUNDS TO THE GENERAL FUND,” was placed on the calendar for adoption on Wednesday, April 27, 2011.

Senator Nishihara, Chair of the Committee on Agriculture, requested that the joint referral of H.C.R. No. 165 to the Committee on Agriculture and the Committee on Water, Land, and Housing and the Committee on Ways and Means be waived pursuant to Senate Rule 46(4):

Senator Nishihara noted:

“The provisions of H.C.R. No. 165 are acceptable to your committees, and thus we would like to recommend adoption ‘as is’ in order to return this measure to the House.”

The Chair granted the waiver.

By unanimous consent, H.C.R. 165, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO ALLOW STATE-OWNED LANDS TO BE USED BY COMMUNITY GROUPS FOR AN OPEN MARKET IN WAHIAWA,” was placed on the calendar for adoption on Wednesday, April 27, 2011.

At this time, the Chair made the following announcements:

“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.

“Conferees will be named in accordance with the action sheet distributed to your offices later today.

“The Joint Session to receive the Consul General of Japan’s address will convene at 12:00 noon today. Please report to the House Chamber immediately following session today.”

At 11:42 a.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate stood in recess subject to the call of the Chair to meet in Joint Session with the House of Representatives, in accordance with House Concurrent Resolution No. 319, for the Honorable Yoshihiko Kamo, Consul General of Japan in Honolulu, to address the Legislature and provide an update on the aftermath of the 9.0 magnitude earthquake off the eastern coast of Japan.

JOINT SESSION

The Joint Session of the Senate and the House of Representatives of the Twenty-Sixth Legislature of the State of Hawai‘i, Regular Session of 2011, was called to order at

12:00 p.m. by the Honorable Calvin K. Y. Say, Speaker of the House of Representatives.

The Speaker then addressed the Chamber, stating:

“Distinguished guests in attendance, residents of Hawai‘i, and family and friends in Japan: The members of the Hawai‘i State Senate and the Hawai‘i State House of Representatives assemble today in a very special Joint Session to receive the remarks of the Honorable Yoshihiko Kamo, Consul General of Japan in Hawai‘i.

“On March 11, 2011, America’s great friend, the majestic country of Japan, experienced a natural disaster of epic proportion.

“The earthquake off the eastern coast of Japan and the tsunami of epic magnitude which followed caused casualties and devastation to the people and land dear to Hawai‘i. Many of us have close ancestral ties with and a deep cultural appreciation for the people of Japan. And as Americans, we all acknowledge that Japan has been a most steadfast ally of the United States for the past 60 years.

“Today, we will receive a message from Consul General Yoshihiko Kamo about recovery and restoration efforts in Japan. By holding a rare Joint Session to do so, we publicly display Hawai‘i’s profound sympathy and support for Japan and its people.”

The Speaker then stated:

“Before receiving the Consul General’s message, I would like to recognize our special guests.”

At this time, the Speaker welcomed and introduced the following distinguished guests to the members of the Twenty-Sixth Legislature:

The Honorable Neil Abercrombie, Governor of the State of Hawai‘i;

The Honorable Brian Schatz, Lieutenant Governor of the State of Hawai‘i;

The Honorable Mark E. Recktenwald, Chief Justice of the Hawai‘i Supreme Court; and

Mrs. Etsuko Kamo, wife of Consul General Kamo.

At this time, Senator Donna Mercado Kim, on behalf of the Senate, and Representative Karen Awana, on behalf of the House of Representatives, presented Consul General Kamo with lei.

Consul General Kamo was escorted to the rostrum by the House Sergeant-at-Arms.

The Speaker then presented to the members of the Twenty-Sixth Legislature and guests the Honorable Yoshihiko Kamo, Consul General of Japan in Honolulu.

Consul General Yoshihiko Kamo addressed the Joint Session and guests as follows:

“Speaker Say, President Tsutsui, Governor Abercrombie, Lieutenant Governor Schatz, Chief Justice Recktenwald, Senators, Representatives, ladies and gentlemen: It is indeed my honor and privilege to be invited to this Joint Session of the Twenty-Sixth Legislature of the State of Hawai‘i, Regular Session of 2011, and to be given a chance to address to the distinguished assembly an update of the aftermath of the greatest Japan earthquake.

“First of all, as the Japan representative of the Japanese government in Hawai‘i, I would like to express my deepest appreciation for the sympathy and support that the people of

Hawai‘i so generously afforded to us. I am very pleased to say that your thoughts and prayers much encouraged us and reminded us how lucky and privileged we are to be bonded with the people of Hawai‘i.

“More than a month has passed since the outbreak of the disaster. Mr. Naoto Kan, Prime Minister of Japan, recently issued a statement entitled ‘Japan, the Road to Recovery and Rebirth.’ In this statement, he has given an update of the aftermath of the disaster and expressed his determination to bring recovery and reconstruction to Japan. So let me share his message with you by directly quoting from the text of his statement in full:

At 14:46 on March 11, Japan was hit by one of the most powerful earthquakes in recorded history. We are now making all-out efforts to restore livelihoods and recover from the series of tragedies that followed the Great East Japan Earthquake. The disaster left more than 27,000 people dead or missing, including foreign citizens.

Since March 11, Japan has been strongly supported by the international community and our friends around the world. On behalf of the Japanese people, I would like to express my sincerest gratitude for the outpouring of support and solidarity we have received from over 130 countries, nearly 40 international organizations, numerous nongovernmental organizations, and countless individuals from all parts of the world. The Japanese people deeply appreciate the *kizuna*, a Japanese word for ‘bonds of friendship,’ that has been shown to us by friends around the world. Through this hardship, we have also come to truly understand the meaning of ‘a friend in need is a friend indeed.’

Immediately after the earthquake struck, the U.S., our most important friend and ally, has provided swift cooperation. President Obama kindly called me to convey his strong commitment; confirming that the U.S. stands ready to provide all-out support to the Japanese people during this time of great difficulty. He also reaffirmed that the friendship and the lines between our two nations is unshakeable. So many Japanese citizens, including myself, were enormously encouraged by these remarks. From an early stage in the response efforts, U.S. forces have diligently performed relief activities on multiple fronts as a part of Operation Tomodachi, named after the Japanese word for ‘friendship’. The collegial attitude that Americans have demonstrated towards us and this operation has deeply touched the hearts and minds of the Japanese. Support has come from not only the government but also NGOs and countless individuals, in the various forms of humanitarian assistance, search-and-rescue missions, and charity events and fundraising. We have also received the full support of the U.S. in responding to the accidents at the Fukushima Daiichi nuclear power plant, from providing equipment and other material assistance such as fire trucks and special protective suits, to dispatching nuclear experts and radiation-control teams.

I wish to express our sincere thanks for all the sympathy and assistance the American people have extended to us. That Japan has experienced a nuclear accident at the Fukushima Daiichi plant, whose severity was assessed as most serious based on an international scale, is extremely regrettable and something I take very seriously. Bringing the situation at the plant under control at the earliest

possible date is currently my top priority. I have been working at the forefront of the efforts to tackle this troubling situation. Leading a unified effort by the government, I have mobilized all available resources to combat the risks posed by the plant, based on three principles: first, give the highest priority to the safety and health of all citizens, in particular those residents living close to the plant; second, conduct thorough risk management; and, third, plan for all possible scenarios so that we are fully prepared to respond to any future situations. For example, we continue to make the utmost efforts to address the issue of outflow of radioactive water into the ocean from the plant. In addition, the government has taken every possible measure to ensure the safety of all food and other products, based on strict scientific criteria. We have taken highly precautionary measures so that the safety of all Japanese food and products that reach the market and must be and will continue to be ensured. In order to assure domestic and foreign consumer confidence in the safety of Japanese food and products, my administration will redouble its efforts to maintain transparency and keep everyone informed of our progress in the complex and evolving circumstances at the Fukushima Daiichi plant.

I pledge that the Japanese government will promptly and thoroughly verify the cause of this incident, as well as share information and the lessons learned with the rest of the world in order to prevent such accidents from occurring in the future. Through such a process, we will proactively contribute to the global debate to ensure the safety of nuclear power generation. Meanwhile, from a comprehensive energy policy perspective, we must squarely tackle a two-pronged challenge: responding to rising global energy demand and striving to reduce greenhouse gas emissions to combat global warming. Through the rebirth of Japan, I would like to present a clear vision to the entire world that includes the aggressive promotion of clean energy that may contribute to solving global energy issues.

The Great East Japan Earthquake and the resulting tsunami are the worst natural disasters that Japan has faced since the end of the Second World War. Reconstruction of the devastated Tohoku region will not be easy. However, I believe, that this difficult period will provide us with a precious window of opportunity to secure the 'rebirth of Japan.'

The government will dedicate itself to demonstrating to the world its ability to establish the most sophisticated reconstruction plans for East Japan, based on three principles: first, create a regional society that is highly resistant to natural disasters; second, establish a social system that allows people to live in harmony with the global environment; and third, build a compassionate society that cares about people, in particular, the vulnerable.

We the Japanese people rose from the ashes of the Second World War using our fundamental strengths to secure a remarkable recovery and the country's present prosperity. I have not a single doubt that Japan will overcome this crisis, recover from the aftermath of the disaster, emerge stronger than ever,

and establish a more vibrant and better Japan for future generations.

I believe that the best way for Japan to reciprocate the strong kizuna and cordial friendship extended to us by the international community is to continue our contribution to the development of the international community. To that end, I will work to the best of my ability to realize a forward-looking reconstruction that gives people bright hopes for the future. I would wholeheartedly appreciate your continued support and cooperation. Arigato.

Consul General Kamo continued:

"Ladies and gentlemen, I know that all of us deserve breaking up for a nice lunch by this time, but please allow me to continue another five minutes so that I can get out my own words.

"The greatest Japan earthquake brought to Japan the unprecedented triple woes of earthquake, tsunami and nuclear disaster, and in this calamity I was stunned by the two unlikely stories of human dignity and compassion. First, I was marveled at the resilience of the people of the stricken Northeast Japan. They remained calm and composed and orderly responded to the crisis, helping each other and caring for the weaker instead of fighting for survival in time of extreme difficulty. These reticent, decent and enduring men and women quietly attested what human dignity and tolerance could accomplish even in extreme circumstances. I am most obliged to them for doing us proud to be Japanese. Second, I was touched by the generous offers of support and assistance from the international community. As Prime Minister Kan pointed out, the United States was a principal rescuer, coming to us first and helping us most. The Pacific Command played a key role in organizing Operation Tomadachi, which mobilized 20,000 military personnel and 20 vessels per day for helping Japan. The collaboration between U.S. forces and Japan Self-Defense Forces in responding to the disaster has further strengthened the U.S.-Japan alliance.

"The government and the people of Hawai'i showed their sympathy and support from the very beginning as well. On March 11, the following day of the earthquake, Governor Abercrombie and Lieutenant Governor Schatz visited me at the Japanese Consulate and conveyed their condolences. We opened the condolence book at the Consulate from March 16 to March 25. Many people including senators and representatives came and signed the book. Lieutenant Governor Schatz took the initiative in establishing the statewide fundraiser called 'Aloha for Japan.' Apart from Aloha for Japan, many other fundraising efforts in support of Japan are being held in Hawai'i. This gushing of sympathy and support for Japan may derive from the history of close relationship between Hawai'i and Japan that dates back from more than 125 years ago. It is my pleasure to note that during this past month, you have made us local Japanese deeply impressed by your kindness and thoughtfulness. I will take it as my important job to let as many Japanese as possible know how much the people of Hawai'i helped and cared about us.

"The strong bonds between Hawai'i and Japan explain our genuine yearning and attachment to Hawai'i. I want to tell you that Japanese tourists will be back soon. The great earthquake and tsunami made many Japanese refrain from having fun to show condolence and solidarity with the victims. With more than 500,000 cancellations, Japan's domestic tourism suffered a heavy blow. Accordingly, there has emerged a growing apprehension that excessive self-restraint does more harm than good to the stricken area as it slows down the economy. Hawai'i's appeal to Japanese tourists remains unchanged. Nature, people, history, safety, cleanliness and proximity all

contribute to alluring Japanese to Hawai'i. You can count on our loyalty.

“What is more serious is the sharp drop of foreign visitors to Japan, which can be ascribed primarily to the concerns for potential exposure to radioactive substances while in Japan. Some of you may be surprised to hear, but Japan is not a small country. Radioactive contamination is largely an on-site and near-site issue. A large part of Japan escapes from contamination that poses general threat to the public health. World Health Organization, International Civil Aviation Organization, and International Maritime Organization have made objective assessments that general travel restriction to Japan is not needed. Going to Japan is not prohibited by any laws. Whether it is Hokkaidō or Kyūshū, Tokyo, or Kyoto, we are eagerly await you in Japan and opportunities to reciprocate the hospitality. My dear Hawai'i friends, I believe that Japan is blessed with new hope and future. She is endowed with will and talent to overcome this hardship. Prime Minister Kan states that 'Japan aims at an innovative reconstruction', rather than a mere recovery, by introducing new ideas and credible means. He set up a wise man's group to garner all available expertise and ideas from home and abroad to help map out concrete plans for reconstruction. Japan is responsible for rebuilding her nation steadily and innovatively as she has been so generously accorded with support from Hawai'i and the rest of the world. The task we are undertaking is certainly is a challenging, but we are ready to do whatever it takes with all our resolve and commitment.

“May our friendship with the people of Hawai'i continue to guide us to a new hope and future. Thank you Hawai'i! Aloha!”

President Tsutsui then rose and stated:

“On behalf of the House and Senate, I would like to thank the Honorable Yoshihiko Kamo for joining us today and providing us with an update on the aftermath of the great tragedies that have recently occurred in Japan. With many ties to Japan, our residents are deeply moved by the devastation and the suffering that the Japanese people have endured. Together, we mourn the loss of life, search for answers to the missing, and offer our sympathies and support to the survivors. The resiliency and determination of the people of Japan, as well as the citizens of the world, will be necessary in rebuilding and the restoration efforts that are to come. We will continue to offer our thoughts and prayers to all those affected. Thank you again for your presence here today.”

“There being no further business, I now declare the Joint Session adjourned.”

At 12:23 p.m., President Tsutsui declared the Joint Session adjourned.

ADJOURNMENT

At 12:23 p.m., the Senate adjourned until 11:30 a.m., Wednesday, April 27, 2011.