

FORTY-SECOND DAY

Monday, April 2, 2012

The Senate of the Twenty-Sixth Legislature of the State of Hawai'i, Regular Session of 2012, convened at 11:38 a.m. with the President in the Chair.

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

The President announced that he had read and approved the Journal of the Forty-First Day.

At this time, Senator Kidani congratulated Christie Liu Oclaray for being named Mrs. Hawaii United States 2011. Accompanying Mrs. Oclaray were her husband Thaddeus; father Elmer Liu; daughter Tony; in-laws Michael and Juanita Oclaray; and best friends April Miyataki, Cat Au-Sarsona, and Malia Kidani Cook who were seated in the gallery.

Senator Ryan congratulated Lauren Cheape for being named Miss Hawaii 2011. Accompanying Ms. Cheape was her fiancé Scott Matsumoto who was seated in the gallery.

Senator Espero commended the 'Ewa Beach Lions for its service to the community, and extended congratulations to the following representatives: President Kurt Fevella, Vice President Maria Kyi, Secretary Sam Fisk, past president Coby Lynn, Treasurer Eileen Lynn, Karen Wenke, Josie Fisk, Lola Tripp, Mary Esther Correa, Rita Sotelo, Jaynelyn Sotelo, and Mitchell Tynanes. Also recognized was Elizabeth Correa who was visiting from California and was seated in the gallery.

Senator Espero congratulated the James Campbell High School varsity cheer team on becoming the 2011 Gator Bowl National Cheer Champions. Present in the Senate Chamber were varsity cheer captains Rustean Cullen-Utu, Rheyann Quisano, Juviee Dela Cruz, and Raven Parado; head coach Wendy Kahoaka-Wright; assistant coaches Violetta Wright and Tristan Cullen; choreographer Ward Kea; varsity team members Chanel Aglipay, Victoria Cachuela, Sydney Clower, Kadie Ho'opai, Diane Iosua, Joscelyn Johnson, Jacob Ka'a'awa, Monica Kea, Amber Kuamo'o, Chynna Oasay, Theresa-Jeanne Ramos, Kalena Rodriguez, Jade Savaiigaea, Sydney Thompson, Trystel Tynanes, and Elton John Wayasen; Principal Naomi Takamori; athletic director Samuel Delos Reyes; chaperone Janine Quisano; and other parent supporters.

At this time, Senator Kouchi rose on a point of personal privilege to note in good humor that the cheer team's spirit would be a great inspiration to Senator Espero's future athletic endeavors.

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

The Senate reconvened at 12:16 p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 903 to 920) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 903, submitting for consideration and confirmation to the Pest Control Board, the nomination of WALTER CHUN, term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 904, submitting for consideration and confirmation to the Board of Directors of the High Technology Development Corporation, the nomination of DEREK LAU, term to expire June 30, 2013, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 905, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Strategic Development Corporation, the nomination of PHILIP BOSSERT, term to expire June 30, 2015, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 906, submitting for consideration and confirmation to the Education Commission of the States, the nomination of ALAN OSHIMA, term to expire June 30, 2016, was referred to the Committee on Education.

Gov. Msg. No. 907, submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, the nomination of WRAY JOSE, term to expire June 30, 2015, was referred to the Committee on Education.

Gov. Msg. No. 908, submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, the nomination of FELICIA VILLALOBOS, term to expire June 30, 2013, was referred to the Committee on Education.

Gov. Msg. No. 909, submitting for consideration and confirmation to the Hawaiian Homes Commission, the nomination of LEIMANA DAMATE, term to expire June 30, 2013, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 910, submitting for consideration and confirmation to the Hawaiian Homes Commission, the nomination of GENE ROSS DAVIS, term to expire June 30, 2016, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 911, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Tourism Authority, the nomination of JACK CORTEWAY, term to expire June 30, 2016, was referred to the Committee on Tourism.

Gov. Msg. No. 912, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Tourism Authority, the nomination of VICTOR KIMURA, term to expire June 30, 2014, was referred to the Committee on Tourism.

Gov. Msg. No. 913, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Tourism Authority, the nomination of MICHAEL KOBAYASHI, term to expire June 30, 2014, was referred to the Committee on Tourism.

Gov. Msg. No. 914, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Tourism Authority, the nomination of AARON SALA, term to expire June 30, 2016, was referred to the Committee on Tourism.

Gov. Msg. No. 915, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Tourism Authority, the nomination of LORRIE STONE, term to expire June 30, 2016, was referred to the Committee on Tourism.

Gov. Msg. No. 916, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Tourism Authority, the nomination of RONALD WILLIAMS, term to expire June 30, 2014, was referred to the Committee on Tourism.

Gov. Msg. No. 917, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Tourism Authority, the nomination of DAVID RAE, term to expire June 30, 2016, was referred to the Committee on Tourism.

Gov. Msg. No. 918, submitting for consideration and confirmation to the Kaho'olawe Island Reserve Commission,

the nomination of NOA EMMETT ALULI, term to expire June 30, 2015, was referred to the Committee on Water, Land, and Housing.

Gov. Msg. No. 919, submitting for consideration and confirmation to the Kaho'olawe Island Reserve Commission, the nomination of CHRISTOPHER BAKER, term to expire June 30, 2013, was referred to the Committee on Water, Land, and Housing.

Gov. Msg. No. 920, submitting for consideration and confirmation to the Land Use Commission, the nomination of LANCE INOUE, term to expire June 30, 2016, was referred to the Committee on Water, Land, and Housing.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 337 to 346) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 337, returning S.B. No. 2783, which passed Third Reading in the House of Representatives on March 30, 2012, was placed on file.

Hse. Com. No. 338, returning S.B. No. 3029, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on March 30, 2012, was placed on file.

By unanimous consent, action on S.B. No. 3029, S.D. 1, (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES AND CLARIFYING LANGUAGE," was deferred until Tuesday, April 3, 2012.

Hse. Com. No. 339, transmitting H.C.R. No. 37, which was adopted by the House of Representatives on March 30, 2012, was placed on file.

By unanimous consent, H.C.R. No. 37, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PASS LEGISLATION THAT REQUIRES INTERNET RETAILERS TO OFFER SHIPPING FEES FOR POSTAGE TO ALASKA AND HAWAII THAT ARE COMPARABLE TO SHIPPING FEES FOR POSTAGE TO THE FORTY-EIGHT CONTIGUOUS STATES," was deferred.

Hse. Com. No. 340, transmitting H.C.R. No. 39, which was adopted by the House of Representatives on March 30, 2012, was placed on file.

By unanimous consent, H.C.R. No. 39, entitled: "HOUSE CONCURRENT RESOLUTION AFFIRMING THE LEGISLATURE'S SUPPORT OF THE FEDERAL AVIATION ADMINISTRATION'S CURRENT RULES AND SAFETY GUIDELINES RELATING TO UNMANNED AIRCRAFT," was deferred.

Hse. Com. No. 341, transmitting H.C.R. No. 48, H.D. 1, which was adopted by the House of Representatives on March 30, 2012, was placed on file.

By unanimous consent, H.C.R. No. 48, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING SATURDAYS AND SUNDAYS TO BE "EAT LOCAL, BUY LOCAL" DAY IN HAWAII AND ENCOURAGING FAMILIES, RESTAURANTS, AND GROCERS TO BUY HAWAII-GROWN FOODS, FLOWERS, AND PRODUCE," was deferred.

Hse. Com. No. 342, transmitting H.C.R. No. 142, which was adopted by the House of Representatives on March 30, 2012, was placed on file.

By unanimous consent, H.C.R. No. 142, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT HONOKAWAI, LAHAINA, MAUI, FOR SEAWALL PURPOSES," was deferred.

Hse. Com. No. 343, transmitting H.C.R. No. 143, which was adopted by the House of Representatives on March 30, 2012, was placed on file.

By unanimous consent, H.C.R. No. 143, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT, COVERING A PORTION OF STATE SUBMERGED LANDS AT MAHINAHINA, LAHAINA, MAUI, FOR RUBBLE ROCK REVETMENT PURPOSES," was deferred.

Hse. Com. No. 344, transmitting H.C.R. No. 144, which was adopted by the House of Representatives on March 30, 2012, was placed on file.

By unanimous consent, H.C.R. No. 144, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT DEVELOPERS AND COUNTY PLANNING DEPARTMENTS ENCOURAGE SMALLER AND CHEAPER HOUSING," was deferred.

Hse. Com. No. 345, transmitting H.C.R. No. 150, which was adopted by the House of Representatives on March 30, 2012, was placed on file.

By unanimous consent, H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING THE MONTH OF APRIL OF EACH YEAR AS AUTISM AWARENESS MONTH IN HAWAII," was deferred.

Hse. Com. No. 346, transmitting H.C.R. No. 186, which was adopted by the House of Representatives on March 30, 2012, was placed on file.

By unanimous consent, H.C.R. No. 186, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE WEEK OF OCTOBER 1 THROUGH 7, 2012, TO BE RECOGNIZED AS "HAWAII FISHING AND SEAFOOD WEEK"," was deferred.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 3128) recommending that H.B. No. 1543, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1543, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING LAW," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 4, 2012.

Senators Nishihara and Espero, for the Committee on Agriculture and the Committee on Public Safety, Government Operations, and Military Affairs, presented a joint report (Stand. Com. Rep. No. 3129) recommending that H.B. No. 1925, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and

H.B. No. 1925, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 4, 2012.

Senators Dela Cruz and Nishihara, for the Committee on Water, Land, and Housing and the Committee on Agriculture, presented a joint report (Stand. Com. Rep. No. 3130) recommending that S.C.R. No. 157, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3130 and S.C.R. No. 157, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO EXAMINE STATE REGULATION OF THE HARVESTING OF HAWAIIAN SANDALWOOD," was deferred until Tuesday, April 3, 2012.

Senators Dela Cruz and Nishihara, for the Committee on Water, Land, and Housing and the Committee on Agriculture, presented a joint report (Stand. Com. Rep. No. 3131) recommending that S.R. No. 93, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3131 and S.R. No. 93, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO EXAMINE STATE REGULATION OF THE HARVESTING OF HAWAIIAN SANDALWOOD," was deferred until Tuesday, April 3, 2012.

Senators Gabbard and Dela Cruz, for the Committee on Energy and Environment and the Committee on Water, Land, and Housing, presented a joint report (Stand. Com. Rep. No. 3132) recommending that S.R. No. 25, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3132 and S.R. No. 25, S.D. 1, entitled: "SENATE RESOLUTION URGING THE PUBLIC LAND DEVELOPMENT CORPORATION TO IDENTIFY PUBLIC TRUST LAND ON THE ISLANDS OF HAWAII AND MAUI WITH GEOTHERMAL RESOURCES THAT MAY BE DEVELOPED AND TO WORK WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DEVELOP AND IMPLEMENT GEOTHERMAL DEVELOPMENT PROJECTS ON PUBLIC TRUST LAND ON THE ISLANDS OF HAWAII AND MAUI," was deferred until Tuesday, April 3, 2012.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 3133) recommending that the Senate advise and consent to the nomination of EDWARD AKIONA to the Board of Private Detectives and Guards, in accordance with Gov. Msg. No. 750.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3133 and Gov. Msg. No. 750 was deferred until Tuesday, April 3, 2012.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 3134) recommending that the Senate advise and consent to the nomination of RICHARD J.Y. LOUIS to the Elevator Mechanics Licensing Board, in accordance with Gov. Msg. No. 675.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3134 and Gov. Msg. No. 675 was deferred until Tuesday, April 3, 2012.

Senator Baker, for the majority of the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 3135) recommending that the Senate advise and

consent to the nominations to the Board of Directors of the Hawai'i Health Connector of the following:

SHERRY MENOR-MCNAMARA, in accordance with Gov. Msg. No. 618;

ROBERT HIROKAWA, in accordance with Gov. Msg. No. 620;

CLIFFORD ALAKAI, in accordance with Gov. Msg. No. 621;

GWEN RULONA, in accordance with Gov. Msg. No. 622;

CHRISTINE SAKUDA, in accordance with Gov. Msg. No. 623;

JOAN DANIELEY, in accordance with Gov. Msg. No. 624;

JENNIFER DIESMAN, in accordance with Gov. Msg. No. 625;

MICHAEL GLEASON, in accordance with Gov. Msg. No. 626;

FAYE KURREN, in accordance with Gov. Msg. No. 628; and

CLEMENTINA CERIA-ULEP, in accordance with Gov. Msg. No. 643.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3135 and Gov. Msg. Nos. 618, 620, 621, 622, 623, 624, 625, 626, 628, and 643 was deferred until Tuesday, April 3, 2012.

ORDER OF THE DAY

AGREE/DISAGREE

MATTER DEFERRED FROM FRIDAY, MARCH 30, 2012

S.B. No. 2503, S.D. 1 (H.D. 1):

By unanimous consent, action on S.B. No. 2503, S.D. 1, (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY," was deferred until Tuesday, April 3, 2012.

ADVISE AND CONSENT

Stand. Com. Rep. No. 3064 (Gov. Msg. Nos. 757, 758, and 759):

Senator Green moved that Stand. Com. Rep. No. 3064 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 Certification of Public Water System Operators of the following:

ROBERT SPETICH, term to expire June 30, 2016 (Gov. Msg. No. 757);

JODI YAMAMI, term to expire June 30, 2016 (Gov. Msg. No. 758); and

LAN YONEDA, term to expire June 30, 2015 (Gov. Msg. No. 759),

seconded by Senator Nishihara.

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

Ayes, 23. Noes, none. Excused, 2 (Shimabukuro, Solomon).

Stand. Com. Rep. No. 3072 (Gov. Msg. Nos. 504 and 505):

Senator Baker moved that Stand. Com. Rep. No. 3072 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Cable Advisory Committee of the following:

BETH TOKIOKA, term to expire June 30, 2016 (Gov. Msg. No. 504); and

AUSTIN VALI, term to expire June 30, 2016 (Gov. Msg. No. 505),

seconded by Senator Taniguchi.

Senator Baker rose to speak in support of the nominees as follows:

"I rise in support of standing committee reports 3072, 3074, 3075, and 3089. These were all members of various boards and commissions that came to Commerce and Consumer Protection: cable advisory, naturopathic, barbering and cosmetology, Hawai'i Medical Board, and chiropractic examiners. Colleagues, all of these licensee and public members are very well-qualified to serve on these boards, and I was very impressed by the quality of both the public members and the licensee members that your Committee on Commerce and Consumer Protection has reviewed this year. I ask all of you to join me in voting in favor of these excellent nominees."

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

Ayes, 23. Noes, none. Excused, 2 (Shimabukuro, Solomon).

Stand. Com. Rep. No. 3073 (Gov. Msg. Nos. 508, 509, and 737):

Senator Baker moved that Stand. Com. Rep. No. 3073 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Board of Naturopathic Medicine of the following:

L. MARTIN JOHNSON, term to expire June 30, 2014 (Gov. Msg. No. 508);

AUDREY NG, term to expire June 30, 2015 (Gov. Msg. No. 509); and

KEVIN GIBSON, term to expire June 30, 2016 (Gov. Msg. No. 737),

seconded by Senator Taniguchi.

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

Ayes, 23. Noes, none. Excused, 2 (Shimabukuro, Solomon).

Stand. Com. Rep. No. 3074 (Gov. Msg. Nos. 502, 503, 656, 657, and 658):

Senator Baker moved that Stand. Com. Rep. No. 3074 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the State Board of Barbering and Cosmetology of the following:

ALEXANDER CHOI, term to expire June 30, 2013 (Gov. Msg. No. 502);

ANGELA HOWARD, term to expire June 30, 2015 (Gov. Msg. No. 503);

LANCE MARUGAME, term to expire June 30, 2016 (Gov. Msg. No. 656);

CHAD NELSON, term to expire June 30, 2016 (Gov. Msg. No. 657); and

CHRISTOBAL QUINTANA, term to expire June 30, 2016 (Gov. Msg. No. 658),

seconded by Senator Taniguchi.

Senator Baker rose to speak in support of the nominees as follows:

"I rise in support of standing committee reports 3072, 3074, 3075, and 3089. These were all members of various boards and commissions that came to Commerce and Consumer Protection: cable advisory, naturopathic, barbering and cosmetology, Hawai'i Medical Board, and chiropractic examiners. Colleagues, all of these licensee and public members are very well-qualified to serve on these boards, and I was very impressed by the quality of both the public members and the licensee members that your Committee on Commerce and Consumer Protection has reviewed this year. I ask all of you to join me in voting in favor of these excellent nominees."

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

Ayes, 23. Noes, none. Excused, 2 (Shimabukuro, Solomon).

Stand. Com. Rep. No. 3075 (Gov. Msg. Nos. 734, 735, and 736):

Senator Baker moved that Stand. Com. Rep. No. 3075 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Hawai'i Medical Board of the following:

LESLIE BARRICKMAN, term to expire June 30, 2015 (Gov. Msg. No. 734);

THOMAS KOSASA, term to expire June 30, 2016 (Gov. Msg. No. 735); and

KAREN SEPT, term to expire June 30, 2015 (Gov. Msg. No. 736),

seconded by Senator Taniguchi.

Senator Baker rose to speak in support of the nominees as follows:

"I rise in support of standing committee reports 3072, 3074, 3075, and 3089. These were all members of various boards and commissions that came to Commerce and Consumer Protection: cable advisory, naturopathic, barbering and cosmetology, Hawai'i Medical Board, and chiropractic examiners. Colleagues, all of these licensee and public members are very well-qualified to serve on these boards, and I was very impressed by the quality of both the public members and the licensee members that your Committee on Commerce and Consumer Protection has reviewed this year. I ask all of you to join me in voting in favor of these excellent nominees."

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

Ayes, 23. Noes, none. Excused, 2 (Shimabukuro, Solomon).

Stand. Com. Rep. No. 3089 (Gov. Msg. Nos. 506 and 507):

Senator Baker moved that Stand. Com. Rep. No. 3089 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the State Board of Chiropractic Examiners of the following:

LINA KIKUTA, term to expire June 30, 2014 (Gov. Msg. No. 506); and

KATHLEEN KANG-KAULUPALI, term to expire June 30, 2013 (Gov. Msg. No. 507),

seconded by Senator Taniguchi.

Senator Baker rose to speak in support of the nominees as follows:

"I rise in support of standing committee reports 3072, 3074, 3075, and 3089. These were all members of various boards and commissions that came to Commerce and Consumer Protection: cable advisory, naturopathic, barbering and cosmetology, Hawai'i Medical Board, and chiropractic examiners. Colleagues, all of these licensee and public members are very well-qualified to serve on these boards, and I was very impressed by the quality of both the public members and the licensee members that your Committee on Commerce and Consumer Protection has reviewed this year. I ask all of you to join me in voting in favor of these excellent nominees."

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

Ayes, 23. Noes, none. Excused, 2 (Shimabukuro, Solomon).

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM FRIDAY, MARCH 30, 2012

Stand. Com. Rep. No. 3065 (S.C.R. No. 15):

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 15, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO AIRPORT SECURITY," was adopted.

Stand. Com. Rep. No. 3066 (S.C.R. No. 104):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 104, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION TO MAINTAIN, MONITOR, AND ENFORCE ANTI-BULLYING, ANTI-CYBERBULLYING, AND ANTI-HARASSMENT POLICIES AND PROCEDURES TO PROTECT PUBLIC AND CHARTER SCHOOL STUDENTS," was adopted.

Stand. Com. Rep. No. 3067 (S.C.R. No. 79):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 79, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND DEPARTMENT OF EDUCATION TO COLLABORATE WITH PARENT ORGANIZATIONS TO ESTABLISH, IMPLEMENT, AND MONITOR STATEWIDE

POLICIES FOR FAMILY ENGAGEMENT IN HAWAII'S PUBLIC SCHOOLS," was adopted.

Stand. Com. Rep. No. 3068 (S.C.R. No. 78):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 78, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO REQUIRE EACH SCHOOL COMMUNITY COUNCIL TO REVIEW ITS SCHOOL'S ATTENDANCE POLICY, CREATE BENCHMARKS TO IMPROVE ATTENDANCE, AND DEVELOP AN IMPLEMENTATION PLAN TO MEET THOSE BENCHMARKS," was adopted.

Stand. Com. Rep. No. 3069 (S.C.R. No. 50):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 50, entitled: "SENATE CONCURRENT RESOLUTION DECLARING SUNDAYS TO BE "EAT LOCAL, BUY LOCAL" DAY IN HAWAII AND ENCOURAGING FAMILIES, RESTAURANTS, AND GROCERS TO BUY HAWAII-GROWN FOODS, FLOWERS, AND PRODUCE," was adopted.

Stand. Com. Rep. No. 3070 (S.R. No. 72):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 72, entitled: "SENATE RESOLUTION EXPRESSING SUPPORT FOR THE DEPARTMENT OF AGRICULTURE'S EFFORTS TO STIMULATE THE STATE'S AGRICULTURE INDUSTRY, INCREASE AND DIVERSIFY AGRICULTURAL OUTPUT, AND PROMOTE FOOD SECURITY," was adopted.

Stand. Com. Rep. No. 3071 (S.C.R. No. 135):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 135, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE DEPARTMENT OF AGRICULTURE'S EFFORTS TO STIMULATE THE STATE'S AGRICULTURE INDUSTRY, INCREASE AND DIVERSIFY AGRICULTURAL OUTPUT, AND PROMOTE FOOD SECURITY," was adopted.

Stand. Com. Rep. No. 3076 (S.C.R. No. 130):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 130, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING EFFORTS BY NON-GOVERNMENTAL ORGANIZATIONS THAT ASSIST IN FINDING OPPORTUNITIES AND SOLUTIONS TO ADDRESS HOMELESSNESS IN HAWAII," was adopted.

Stand. Com. Rep. No. 3077 (S.R. No. 51, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 3077 and S.R. No. 51, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE SENATE COMMITTEES ON HAWAIIAN AFFAIRS AND ECONOMIC DEVELOPMENT AND TECHNOLOGY TO CONVENE A SPECIAL TASK FORCE ON HAWAIIAN HISTORICAL SITES PRESERVATION," was deferred until Tuesday, April 3, 2012.

Stand. Com. Rep. No. 3078 (S.C.R. No. 107, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 3078 and S.C.R. No. 107, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE SENATE COMMITTEES ON HAWAIIAN AFFAIRS AND

ECONOMIC DEVELOPMENT AND TECHNOLOGY TO CONVENE A SPECIAL TASK FORCE ON HAWAIIAN HISTORICAL SITES PRESERVATION," was deferred until Tuesday, April 3, 2012.

Stand. Com. Rep. No. 3079 (S.R. No. 17, S.D. 1):

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.R. No. 17, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO FORM A WORKING GROUP TO EXPEDITIOUSLY RESOLVE THE ISSUE OF ROADS IN LIMBO IN MAUI COUNTY," was adopted.

Stand. Com. Rep. No. 3080 (S.C.R. No. 49, S.D. 1):

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 49, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO FORM A WORKING GROUP TO EXPEDITIOUSLY RESOLVE THE ISSUE OF ROADS IN LIMBO IN MAUI COUNTY," was adopted.

Stand. Com. Rep. No. 3081 (S.R. No. 5):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 5, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A STATE HEALTH PLAN INITIATIVE TO REDUCE THE OCCURRENCES OF CHRONIC OBSTRUCTIVE PULMONARY DISEASE IN HAWAII," was adopted.

Stand. Com. Rep. No. 3082 (S.C.R. No. 4):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 4, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A STATE HEALTH PLAN INITIATIVE TO REDUCE THE OCCURRENCES OF CHRONIC OBSTRUCTIVE PULMONARY DISEASE IN HAWAII," was adopted.

Stand. Com. Rep. No. 3083 (S.R. No. 89):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 89, entitled: "SENATE RESOLUTION DECLARING THE MONTH OF APRIL OF EACH YEAR AS AUTISM AWARENESS MONTH IN HAWAII," was adopted.

Stand. Com. Rep. No. 3084 (S.C.R. No. 101):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 101, entitled: "SENATE CONCURRENT RESOLUTION DECLARING THE MONTH OF APRIL OF EACH YEAR AS AUTISM AWARENESS MONTH IN HAWAII," was adopted.

Stand. Com. Rep. No. 3085 (S.C.R. No. 106, S.D. 1):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 106, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO VOTE IN FAVOR OF H.R. 2148, 112TH CONGRESS, FIRST SESSION, TO EXTEND MILITARY COMMISSARY AND EXCHANGE STORE PRIVILEGES TO VETERANS WITH A COMPENSABLE SERVICE-CONNECTED DISABILITY AND THEIR FAMILY MEMBERS," was adopted.

Stand. Com. Rep. No. 3086 (H.C.R. No. 18):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 18, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE EFFORTS OF THE NATIONAL WOMEN'S HISTORY MUSEUM TO SECURE A PERMANENT HOME IN THE NATION'S CAPITAL," was adopted.

Stand. Com. Rep. No. 3087 (S.C.R. No. 142):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 142, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS AND THE NATIONAL ASSOCIATION OF SOCIAL WORKERS, HAWAII CHAPTER, TO DEVELOP CONTINUING EDUCATION REQUIREMENTS FOR LICENSED SOCIAL WORKERS," was adopted.

Stand. Com. Rep. No. 3088 (S.R. No. 78):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 78, entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS AND THE NATIONAL ASSOCIATION OF SOCIAL WORKERS, HAWAII CHAPTER, TO DEVELOP CONTINUING EDUCATION REQUIREMENTS FOR LICENSED SOCIAL WORKERS," was adopted.

THIRD READING

H.B. No. 2600, H.D. 2:

On motion by Senator Green, seconded by Senator Espero and carried, H.B. No. 2600, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Shimabukuro, Solomon).

H.B. No. 2568, H.D. 2, S.D. 1:

On motion by Senator Green, seconded by Senator Nishihara and carried, H.B. No. 2568, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BACKGROUND CHECKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Shimabukuro, Solomon).

H.B. No. 2436, H.D. 1, S.D. 1:

On motion by Senator Fukunaga, seconded by Senator Wakai and carried, H.B. No. 2436, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INFORMATION PRIVACY AND SECURITY COUNCIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Shimabukuro, Solomon).

H.B. No. 2143:

On motion by Senator Chun Oakland, seconded by Senator Ihara and carried, H.B. No. 2143, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Shimabukuro, Solomon).

H.B. No. 2605, H.D. 1, S.D. 1:

Senator Ige moved that H.B. No. 2605, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kidani.

Senator Slom rose to speak in opposition to the measure as follows:

“You know, every year I get up and I talk about this bill. Every year, we call it a ‘conformity with the IRS’ bill, and it is not a conformity. It is a very selective conformity. For example, I have four pages of exemptions starting with section 78, section 86, section 103, section 114, section 120, 122, and I can go on and on for four pages of areas where we disagree with the federal IRS. My most important disagreement, as I bring up every year, colleagues, is that in the area of personal exemption a person in Hawai‘i, for tax purposes, is valued at one-third of the value of a person with the IRS. So, I think if we’re going to call it a conformity bill then it should be just that. We should in one motion conform with the Internal Revenue Service; if not, we should point out why we exclude some of these sections, most of which are beneficial to taxpayers in this state. Thank you.”

The motion was put by the Chair and carried, H.B. No. 2605, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (Shimabukuro, Solomon).

H.B. No. 1695, S.D. 1:

On motion by Senator Ige, seconded by Senator Kidani and carried, H.B. No. 1695, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Shimabukuro, Solomon).

H.B. No. 1980, H.D. 1, S.D. 1:

On motion by Senator Ige, seconded by Senator Kidani and carried, H.B. No. 1980, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Shimabukuro, Solomon).

H.B. No. 2169, H.D. 2, S.D. 1:

On motion by Senator Baker, seconded by Senator Taniguchi and carried, H.B. No. 2169, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Shimabukuro, Solomon).

H.B. No. 2497, S.D. 1:

On motion by Senator Baker, seconded by Senator Taniguchi and carried, H.B. No. 2497, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SECURITIES,” having

been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Shimabukuro, Solomon).

H.B. No. 1984, S.D. 1:

On motion by Senator Galuteria, seconded by Senator Fukunaga and carried, H.B. No. 1984, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HAWAIIAN LANGUAGE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Shimabukuro, Solomon).

H.B. No. 1746, H.D. 1:

On motion by Senator Baker, seconded by Senator Taniguchi and carried, H.B. No. 1746, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONDOMINIUMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Shimabukuro, Solomon).

At this time, Senator Hee rose to speak on a point of personal privilege as follows:

“I just wanted to make a comment about news reports that the Democratic Party was limiting its membership. I thought it was a joke, until I found out that it, in fact, is serious—that the Democratic Party now has rules, I guess, designed to keep people out of the party. It’s interesting because when the party met at a function at Central Intermediate School, one of the speakers at the function was none other than the Republican from New Jersey who goes by the moniker Mayor Carlisle. So, I guess the exception is if you’re mayor, or if you’re from New Jersey, or if you’re Republican, you can come under the big tent.

“As far as I’m concerned, being a Republican or being a Democrat is a matter of one’s philosophy. Now, that is not to say that I think that all the Democrats or all Republicans enjoy the same philosophy, but it is to say that it was always my firm belief that the philosophy of the Democratic Party was to allow everyone in, instead of crafting rules to keep people out. This particular applicant is not someone who I’m particularly endeared to, after our bump up at Kahana Valley. Nonetheless, anybody who wants to run ought to run; and the last organization to prevent people from seeking elected office ought not to be the Democrat Party, particularly if it chooses who can speak at functions.

“It’s really a sad day. I won’t speak for the other party because I don’t know anything about the other party. Evidently, what I can speak on is how little I know about my party, the Democrat Party. What a sad day when the Democrat Party crafts rules to keep people out. It’s almost as if one will have to take an LSAT exam to be a Democrat. Thank you, Mr. President.”

Senator Slom rose to speak on a point of personal privilege as follows:

“I want to thank the good Senator from Kahalu‘u for his remarks acknowledging that he knows nothing about our party. And I want to further make him feel secure that the mayor of Honolulu was a Republican for about 1 hour and 42 minutes, 4 years ago, at the behest of the former governor at one public event, and that was all; so you don’t have to worry about that.

“And then finally, I would mention that the ‘big tent/open tent’ theory was I think trademarked by the Republican Party

about 25 years ago; and I do not seek, nor will I accept, application in the other party. I'm very happy with my party, to give bipartisan support whenever I can here at the State Senate. Thank you, Mr. President."

Senator Hee rose in brief rebuttal and said:

"The previous speaker brings the term 'one-of-a-kind' to reality. Thank you."

Senator Ryan rose to speak on a point of personal privilege as follows:

"I just want to have a correction to the good Senator from Kahalu'u. The membership was not denied; that's incorrect. Her candidacy was, as far as I've been told, and the rule means that she can run in the next election, but she still is welcome as a party member."

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."

REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The President made the following committee assignments of House concurrent resolutions received on Monday, March 19, 2012; and Friday, March 30, 2012:

H.C.R. No.:	Referred to:
H.C.R. No. 12	Committee on Health
H.C.R. No. 46, H.D. 1	Jointly to the Committee on Tourism and the Committee on Transportation and International Affairs
H.C.R. No. 63	Committee on Transportation and International Affairs
H.C.R. No. 100	Jointly to the Committee on Transportation and International Affairs and the Committee on Public Safety, Government Operations, and Military Affairs
H.C.R. No. 113	Jointly to the Committee on Transportation and International Affairs and the Committee on Public Safety, Government Operations, and Military Affairs

ADJOURNMENT

At 12:29 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Tuesday, April 3, 2012.