

SIXTIETH DAY

Thursday, May 5, 2011

The Senate of the Twenty-Sixth Legislature of the State of Hawai'i, Regular Session of 2011, convened at 10:35 a.m. with the President in the Chair.

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

At this time, Senator Taniguchi introduced his son Daniel, who was visiting from Florida with his wife Jan.

Senator English introduced a group of students from Pukalani Elementary School on Maui who were seated in the gallery.

Senator Espero introduced his staff seated in the gallery: Marlene Uesugi, Sheryll Bonilla, Mayette Smith, and Venus Delos Santos.

Senator Espero also noted the presence of Ms. Kat Brady from the Community Alliance on Prisons.

Senator Nishihara introduced his staff Priscilla Kubota, Bert Warashina, and Randy Cortez who were seated in the gallery, as well as Dale Uno who was unable to attend.

Senator Tokuda introduced Stephanie Kim, Director of Government Relations for the University of Hawai'i, and Keith Amemiya of the Board of Regents and the Board of Education.

Senator Kim introduced Max Sword of Outrigger Hotels who was seated in the gallery.

Senator Hee introduced Uncle Tommy Makaoui, a legislative volunteer who was a graduate of McKinley High School and the University of Northern Colorado, a former school teacher for over 40 years, and a veteran of the Korean War.

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

"I would be remiss if I didn't stand and say that Uncle Tommy always looked at me with two clear bright eyes, always had a smile, and a handshake. Never once the stink eye! So, I want to thank him and thank the Judiciary Chairman for having him with us. Aloha."

Senator Kidani introduced her staff including CIP Specialist Will Kane and his daughter Paige; UH Intern Shane Strong; Legislative Liaison Kelly Oku; and Office Manager Park Kaleiwahea.

Senator Kouchi rose to acknowledge former Stadium Authority Director Eddie Hayashi.

Senator Shimabukuro recognized members of AARP who were seated in the gallery with Barbara Kim Stanton, Director of AARP Hawaii.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 1134 and 1135) were read by the Clerk and were placed on file:

Gov. Msg. No. 1134, informing the Senate that on May 2, 2011, the Governor signed into law House Bill No. 546, S.D. 1 as Act 34, entitled: "RELATING TO CIVIL RIGHTS."

Gov. Msg. No. 1135, informing the Senate that on May 2, 2011, the Governor signed into law House Bill No. 1640, H.D. 2, S.D. 1 as Act 35, entitled: "RELATING TO CERTIFICATES OF IDENTIFICATION."

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 696 to 702) were read by the Clerk and were placed on file:

Hse. Com. No. 696, informing the Senate that on May 2, 2011, the House discharged all conferees to H.B. No. 575, H.D. 1, (S.D. 2).

Hse. Com. No. 697, informing the Senate that on May 2, 2011, the House discharged all conferees to H.B. No. 1076, H.D. 1 (S.D. 2).

Hse. Com. No. 698, informing the Senate that on May 3, 2011, the House 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. 575, H.D. 1 (S.D. 2);
H.B. No. 916 (S.D. 1);
H.B. No. 922 (S.D. 3);
H.B. No. 1038, H.D. 2 (S.D. 2); and
H.B. No. 1076, H.D. 1 (S.D. 2).

Hse. Com. No. 699, 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 May 3, 2011:

H.B. No. 318, H.D. 2, S.D. 2;
H.B. No. 404, H.D. 1, S.D. 1;
H.B. No. 773, H.D. 1, S.D. 1;
H.B. No. 953, H.D. 2, S.D. 1;
H.B. No. 968, H.D. 1, S.D. 1;
H.B. No. 1009, H.D. 2, S.D. 2;
H.B. No. 1036, H.D. 1, S.D. 2;
H.B. No. 1313, H.D. 2, S.D. 1; and
H.B. No. 1532, H.D. 2, S.D. 2.

Hse. Com. No. 700, returning S.C.R. No. 111, S.D. 1, which was adopted by the House of Representatives on May 3, 2011.

Hse. Com. No. 701, 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 May 3, 2011:

H.B. No. 467, H.D. 2, S.D. 1;
H.B. No. 924, H.D. 2, S.D. 2;
H.B. No. 1056, H.D. 1, S.D. 2;
H.B. No. 1107, H.D. 1, S.D. 2; and
H.B. No. 1434, H.D. 2, S.D. 1.

Hse. Com. No. 702, informing the Senate that the following bills passed Final Reading in the House of Representatives on May 3, 2011:

H.B. No. 4, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 44, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 56, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 117, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 141, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 200, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 227, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 240, S.D. 1, C.D. 1;
H.B. No. 300, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 301, S.D. 1, C.D. 1;
H.B. No. 319, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 331, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 423, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 484, S.D. 2, C.D. 1;

H.B. No. 491, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 545, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 555, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 593, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 597, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 605, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 616, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 663, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 667, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 680, S.D. 2, C.D. 1;
 H.B. No. 688, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 716, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 739, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 747, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 761, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 801, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 828, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 838, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 855, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 866, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 889, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 909, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 931, S.D. 1, C.D. 1;
 H.B. No. 945, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 960, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 985, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1000, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1003, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1005, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1020, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1039, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1045, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1049, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1052, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 1060, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1070, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1071, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 1079, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 1082, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1085, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1088, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1089, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1094, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1138, S.D. 2, C.D. 1;
 H.B. No. 1155, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1164, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1230, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 1241, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1286, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 1333, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1342, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1368, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 1405, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1505, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 1520, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1566, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1568, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1613, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1654, H.D. 1, S.D. 1, C.D. 1;
 S.B. No. 2, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 14, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 23, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 34, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 40, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 44, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 45, H.D. 1, C.D. 1;
 S.B. No. 49, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 52, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 101, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 105, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 142, S.D. 1, H.D. 1, C.D. 1;

S.B. No. 146, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 163, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 172, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 181, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 217, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 229, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 281, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 283, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 285, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 298, S.D. 3, H.D. 3, C.D. 1;
 S.B. No. 570, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 631, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 651, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 742, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 754, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 758, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 806, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 903, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 975, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 986, S.D. 2, H.D. 3, C.D. 1;
 S.B. No. 1025, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1067, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1068, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1073, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1089, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1154, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1174, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1186, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1213, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1221, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1244, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1270, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1274, S.D. 2, H.D. 3, C.D. 1;
 S.B. No. 1277, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1278, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1282, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1284, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1290, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1328, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1329, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1331, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1347, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1348, S.D. 2, H.D. 3, C.D. 1;
 S.B. No. 1383, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1394, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1482, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1483, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1485, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1493, S.D. 1, H.D. 3, C.D. 1;
 S.B. No. 1503, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1511, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1519, S.D. 3, H.D. 2, C.D. 1;
 S.B. No. 1520, S.D. 2, H.D. 3, C.D. 1;
 S.B. No. 1530, S.D. 1, H.D. 2, C.D. 1; and
 S.B. No. 1555, S.D. 2, H.D. 2, C.D. 1.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1406 (Gov. Msg. No. 662, 663 and 664):

Senator Tokuda moved that Stand. Com. Rep. No. 1406 be received and placed on file, seconded by Senator Kidani and carried.

Senator Tokuda then moved that the Senate advise and consent to the nominations to the University of Hawai'i Board of Regents of the following:

SAEDENE K. OTA, term to expire June 30, 2015 (Gov. Msg. No. 662);

CORALIE C. MATAYOSHI, term to expire June 30, 2016 (Gov. Msg. No. 663); and

JAN N. SULLIVAN, term to expire June 30, 2016 (Gov. Msg. No. 664),

seconded by Senator Kidani.

Senator Tokuda rose in strong support of the nominees as follows:

“Your Committee on Education spent a considerable amount of time reviewing and talking with all of the nominees and found Saedene Ota, Coralie Matayoshi, and Jan Sullivan to be highly qualified candidates to serve on the University of Hawai‘i Board of Regents. They are successful and innovative businesswomen, a chief executive officer of a major, local non-profit affiliate, serve on numerous boards and give their time and resources to dozens of charities and organizations, and have been recognized locally and nationally for their work. I should also note that these three women will not only make significant gains towards attaining gender balance on the Board of Regents, where they will go from being one to four, but above all, will bring to the board fresh perspectives, new ideas, and a tenacious spirit focused on ensuring that all individuals have access to top of the line higher education opportunities here in Hawai‘i.

“While your committee commends the Regents Candidates Advisory Council for fielding these outstanding nominees, I would be remiss if I did not take this opportunity to state that substantive concerns have been raised as to the selection process created in 2007 as a result of a constitutional amendment calling for the existence of an advisory council. I believe the Legislature at the time did its best to put forth a thoughtful process that was responsive to the constitutional mandate. Having witnessed firsthand over the years the issues and problems resulting from the process, and especially on the heels of the Board of Education appointments, where you can clearly see the value in granting the Governor the authority to select and appoint nominees on the basis of how each regent’s strength will add and complement the group, I believe the time has come to consider significant changes to the form and function of the Regents Candidate Advisory Council. I will be reviewing and considering changes during the interim, and it is my intention to come forward with legislation next year that creates a better, stronger process that responds to the will of the people while yielding the best candidates for the board. Until that time, I am very confident that the nominees we are about to confirm will bring much to the Board of Regents and will continue their service to our community in this new capacity. I humbly ask for all of your support and consideration on all of these Governor’s messages. Thank you.”

Senator Baker rose in strong support of the nominee under Gov. Msg. No. 662 as follows:

“I rise in strong support of Governor’s Message No. 662, the nomination of Saedene Ota as a member of the Board of Regents, and I do so on behalf of you, Mr. President, and our other Maui colleague, Senator English. You know, we’ve had an opportunity to observe Saedene and her activities in the community. She’s been very active on a number of non-profit boards and in community projects and school projects, and I can say without equivocation that she’s impressed me with her intelligence, her common sense, her optimism, her passion for life, and her exemplification of strong island values. Saedene’s personal experience as a young Maui entrepreneur and professional recommends her for the Board of Regents. Her own life illustrates a capacity to envision a Hawai‘i that can provide opportunities for other strong, educated professionals, and women, too.

“As someone filling a niche in the knowledge industry as a graphic and advertising professional, Saedene understands the

possibilities promised by new communications and graphics technology. These tools have allowed her to live and work on a neighbor island while providing quality service to clients statewide. Moreover, since we are all interested and this legislature, this Senate in particular, is committed to a strategy that supports STEM programs and career paths of helping young people go into science, technology, engineering and math professions, I believe that Sae’s background and commitment to developing Hawai‘i’s knowledge industry labor force will certainly serve her well and be an asset to the Board of Regents because she can speak and advocate for the opportunities provided by such STEM activities, as well as the creative side of those activities, to better prepare our future workforce.

“Mr. President and colleagues, I have no doubt that Sae will contribute to making sure that the University of Hawai‘i System remains one of the best bargains for a quality higher education in our country. As the university system continues to grow in its role as a more autonomous economic driver, as well as the premier source of higher education in all of our communities, it needs leaders who can balance the sensitivities of the ivory tower with the requirements and aspirations of the local community. Saedene Oda is certainly qualified in that regard, and I urge all of my colleagues to join me in supporting her for the UH Board of Regents. Mahalo.”

Senator Solomon rose in support of the nominees as follows:

“I am also speaking in support. However, I’m rising to speak in support of the chairwoman’s remarks, but I’m hoping that we’re going to be more far-reaching than what the chairwoman had proposed. I’m hoping that we could bring back the advise and consent back here to the Senate in reference to all of our Board of Regents. I think it’s necessary. The bottom line is that their collective energy provides the direction for the entire university system which definitely includes the neighbor islands. These are the kinds of situations that I feel this body should take a look at and we should really re-think, especially in times of crises, such as what this great state is experiencing: a tremendous deficit. I think that knowing who these players are and knowing what their positions are in terms of restructuring our programs is critical. And I really would advise the chairwoman that if she would take that into consideration, to look beyond of what she’s proposing, as a possibility of returning the advise and the consent of our Board of Regents to the Senate. Thank you very much.”

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

Ayes, 25. Noes, none.

At this time, Senator Tokuda introduced newly confirmed members of the Board of Regents for the University of Hawai‘i including Saedene Ota, who was accompanied by her husband Ken Ota; and Jan Sullivan, who was accompanied her father Roy Takeyama, a Regent Emeritus for the University of Hawai‘i.

ADOPTION OF RESOLUTION

MATTER DEFERRED FROM TUESDAY, MAY 3, 2011

Stand. Com. Rep. No. 1407 (S.R. No. 104, S.D. 1):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 104, S.D. 1, entitled: “SENATE RESOLUTION REQUESTING AN ANNUAL EVALUATION OF THE GOVERNOR’S SIX-YEAR STATE PROGRAM AND FINANCIAL PLAN FOR INFORMATION TO PROMOTE AND GUIDE JOB GROWTH,” was adopted.

ADOPTION OF RESOLUTION

S.R. No. 46:

On motion by Senator Espero, seconded by Senator Slom and carried, S.R. No. 46, entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR TO ENSURE THAT THE CHIEF PROCUREMENT OFFICERS COMPLY WITH THE HAWAII PUBLIC PROCUREMENT CODE PREFERENCES FOR HAWAII PRODUCTS TO PROMOTE GROWTH OF THE STATE'S AGRICULTURE INDUSTRY AND THEREBY ASSURE FOOD SECURITY FOR HAWAII'S CITIZENS," was adopted.

FINAL READING

S.B. No. 120, S.D. 1, H.D. 1, C.D. 2:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 120, S.D. 1, H.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 219, S.D. 1, H.D. 1:

Senator Green moved that S.B. No. 219, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Espero.

Senator Espero rose in support of the measure and said:

"Colleagues, the bill speaks for itself, but I'm just amazed that in this year 2011, we have to pass a bill that says women inmates who are giving birth do not need to be shackled. It's about time. Thank you."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 219, S.D. 1, and S.B. No. 219, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 946, S.D. 1, H.D. 1:

On motion by Senator Hee, seconded by Senator Ige and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 946, S.D. 1, and S.B. No. 946, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1088, S.D. 1, H.D. 1:

On motion by Senator Hee, seconded by Senator Kidani and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1088, S.D. 1, and S.B. No. 1088, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE BENEFITS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 1300, S.D. 2, H.D. 2:

On motion by Senator Green, seconded by Senator Chun Oakland and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1300, S.D. 2, and S.B. No. 1300, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS

CORPORATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

MISCELLANEOUS BUSINESS**SENATE RESOLUTIONS**

The following resolutions (S.R. Nos. 113 and 114) were read by the Clerk and were disposed of as follows:

S.R. No. 113 "SENATE RESOLUTION REGARDING COMPLETION OF THE WORK OF THE TWENTY-SIXTH LEGISLATURE SUBSEQUENT TO THE ADJOURNMENT THEREOF."

Offered by: Senators Galuteria, Slom.

On motion by Senator Espero, seconded by Senator Slom and carried, S.R. No. 113 was adopted.

S.R. No. 114 "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE."

Offered by: Senators Galuteria, Slom.

On motion by Senator Espero, seconded by Senator Slom and carried, S.R. No. 114 was adopted.

At 10:56 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:57 a.m.

Senator Galuteria rose to make the following remarks:

"Mr. President, colleagues, before we adjourn today, which will happen in a few moments, this body would be remiss if we didn't seize this opportunity to thank you, Mr. President, for your leadership this year. It was a collaborative leadership with collaborative solutions that provided a sea change in the way this body operates with our colleagues on the other side of the Capitol. Through your leadership, we provided ourselves the opportunity to unify. We didn't get everything we wanted individually, but collectively, as a body, as a Senate, we spoke volumes in the hard decision that we made that affected all of us and all of Hawai'i.

"But lest we not forget the achievements that we made, colleagues, and if I may, Mr. President, I'd just like to point out a few, because it was landmark decisions and landmark legislation that we will leave this particular session with that sometimes we tend to forget because it seemed like such a lifetime ago that we passed the civil unions bill. Yet, through that and with the bookend on the other end of the Hawaiian recognition and roll call, in between, we had ERS reform, saving \$400 million in five years, and billions in thirty years. We addressed, through the leadership of our CPN chair, mortgage foreclosures which has taken our economy to its knees. Mr. President, we appointed a new Board of Education through the leadership of our Education chair. Furloughs is history. We have huge support for Medicaid. No GET increase. No tax on pensions. Lest we not forget, this is landmark colleagues. We shall leave this Chamber proud today.

"But without the help of our support, we couldn't have done it. So if I may, I'd like to thank the Clerk's office, our friends in HR (thank you so much; mahalo nui loa), the drafting agencies, SMA, LRB (mahalo nui loa), Data Systems (we are proud to be a paperless center), the Sergeant-at-Arms (mahalo nui loa for your hard work), the Document Center, Accounting, our Communications division, Capitol TV, and the many others, Mr. President and colleagues, that made it possible for the Senate to make its way through this session in a proud way. So, with that, we thank each and every one of our support staff, and

we just say this for the record: mahalo nui loa to everyone. Mahalo, Mr. President.”

Senator Kahele rose to make the following remarks:

“I would like to encompass the words of the previous speaker, the majority leader of this Senate. I would be remiss if I did not mention my staff. As a freshman Senator, when I arrived here on January 12 at 4:00 p.m., not knowing what was facing me, and I was picked up by my staff, Ainoa Naniolo and Ken Kakesako, and met the other staffers here at the Capitol; and knowing that the Legislature would be opening on January 19, the following Wednesday, I would be remiss in not thanking my staff for the wonderful work they have done, and all my colleagues here that I’ve gotten to know. Some of you I knew for many years, but others I’ve gotten to know a little better, and I really enjoyed my first session here, and I look forward to returning next year and being here again. I’d like to especially thank Senator Solomon, who has been a friend for many, many years, and when I got here, she graciously gave up her seat on the WAM Committee which I asked to sit on. Each one of you here is very special to me. I know today is our last day and we’re going to adjourn, but there’s a lot of work to be done ahead, and as our majority leader eloquently stated, that we have done a lot of good work here for the people of Hawai‘i. I look forward to working with you again next year and working hard for all of the people in our state, and in my district, and on the Big Island. Thank you very much. Mahalo ke akua ke iāla.”

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

“I don’t mean to be putting the damper on everybody’s mahalo nuis, but I just want to speak to this issue if I may. The *Star-Advertiser*’s lead article in yesterday’s edition once again oversimplifies the state’s budget woes. It has again attempted to make the case that there are only two choices for Hawai‘i’s Legislature: either we’re going to continue to cut programs and services or raise taxes on an ever declining tax base. Of course, Mr. President, there is a third and better way that we can create new industry and that is a free-standing casino in Waikīkī. This would increase the total state revenue by over \$500 million a year. It would employ over 3,600 new workers on site and over 5,000 new jobs would be created by vendors servicing the new business. It would give Hawai‘i a larger pie to tax, and it would generate close to \$90 million in new taxes each year. That does not include the \$150 million impact fee that would be imposed on the winning bidder of the casino license. That doesn’t include the \$1 million fee just to make a bid. It does not include the costs and the benefits of constructing a casino and the renewal of the old and rundown Waikīkī area. And, Mr. President, I have to agree with this part about the ‘old and rundown Waikīkī area.’ I was simply appalled. I’m staying in Waikīkī. Simply, most of us do, from the neighbor islands. And I was really saddened to see how rundown Waikīkī really is. It really needs a facelift and it really needs some major help.

“A casino would be able to provide the funds to in fact do that, revitalize our aging tourism industry, and would have the added benefit of keeping some of the \$1 billion that Hawai‘i citizens spend already on gambling and related activities in Las Vegas, in California, and in all the other 48 states that already have gambling. And as in the case of ending prohibition in 1933, legalizing a casino would certainly put an end to the massive illegal gambling that’s going on now in Hawai‘i. Having a casino, of course, will not be a panacea. It won’t solve all our problems, but it will certainly go a long way toward creating a better tax base, and it will revitalize Waikīkī. It is a better way for us to go. So, during the interim, Mr. President, I’m hoping that all of my colleagues would give these thoughts some consideration, and when we do return,

maybe we could see the light at the end of the tunnel. Mahalo and aloha.”

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

“I just wanted to, I don’t know if some of you might have missed the article last Saturday, but at the FIRST Robotics World Championships in St. Louis last weekend, our own Waiialua High School’s robotics team took the top prize, the Chairman’s Award, as the best robotics team in the world. The world championship represents 352 international high school teams representing 29 countries, and our own North Shore’s best robotics team placed first. So, I just wanted to bring that to your attention. Just a reminder that, what we all know, that our public school students can compete with anyone on a global basis and take home the top prize. Thank you, Mr. President.”

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

“I think this was a momentous session for us. It was unlike any session that I’ve been a part of or have witnessed over the past several decades. I think that we, in fact, did achieve a great deal during the 60 working days. I, too, want to add my appreciation to the Senate President. Even though he may be younger, we’re often mistaken for one another in a crowd—from the back, at a distance. And you know, being the lone ranger is difficult, but even the lone ranger had help and support. And I want to particularly mention the majority leader who from the outset offered his hand of friendship and support, and my colleagues who made it a lot easier, and particularly those colleagues that when I would be trying to run back and forth to three different committees at the same time, a fourth and fifth committee would come over and say they still needed me for quorum. It was a warm feeling, Mr. President, knowing that.

“I also want to say that while we have had and will continue to have differences—and we had some very passionate discussions and arguments on issues—that’s the way it should be. And yet those arguments and discussions, I thought, were respectful, and they were beneficial to the public. I think in many ways, in many respects, we were more open and transparent this year, particularly this body, than before. And I think that’s a good thing. The good majority leader pointed out some of the things that we were able to stop that would have been even more negative for the taxpayers and residents of this community. I think we should thank those people that did not give up on us even though they were told, ‘You can’t fight city hall. You can’t fight the State Legislature.’ They continued to come down here.

“Many of my colleagues on the GET tax increase, for example, said daily about the number of calls and visits and communications that they had because the public did not give up. The AARP and their red shirts, had it not been for them, we would have had a pension tax unfair to all. To those in the business community and the new organization Save Our Jobs Hawai‘i, had they not been as consistent as they were, we would have had a devastating increase in the alcohol and liquor tax which would have affected adversely this industry. And there are many other people, people that came down continuously and advocated for animal rights, for the rights of women. Even though this is Boy’s Day, we know, Mr. President, the women really run the whole show (just stating the obvious). But people came down, more so than in recent years.

“And also, I think the media, which kind of dismissed us over the last couple years, I think the media did a much better job this year of uncovering or talking about the issues, particularly the online media that seemed to be much more independent of thought and spirit. So, we accomplished many things but we still have a far way to go. I talked about the budget and the budget process, and I know that a lot of hard

work and a lot of hard decision were made but we still have more decision and we still have a place to go because we have not reached the place where the people of Hawai'i can truly enjoy the fruits of their labor. I also believe that the public discussion that we had in this body and in our committees was really the lifeblood of the democracy and what we need to do. We need to not only say the words, but walk the talk and that means independence of thought and votes, and we had more of that, I think, this year than before.

"I was joking with the majority leader that on last Friday, when the decision was made that the Senate was going to stay strong and take a position no later than 6:00 p.m., some of us had our doubts whether we would do that, whether the leadership, Mr. President, would stick by that, but you did, and we applaud you for that, and I think it resulted in positive legislation that we got. Finally, two items: number one, I'm very proud of my staff and all that they helped do because being on all committees was quite an exercise, but it kept me young and strong, and I found out that I'm even older than Senator Kahele. It may be a couple months, but that gives me wisdom and kupuna status, which he will have to grudgingly recognize. Secondly, Mr. President and colleagues, I can assure you without any equivocation whatsoever that the native flying Hawaiian hoary bat will be back and prevail next year. Thank you, Mr. President."

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

"I like to follow the previous speaker because he piques my interest; and I thought about this this morning, but I decided not to, and there he went again and piqued my interest. He talked about the online media in particular. You know, one of the things that the Legislature adopted this year was the shield law for two years, and it had been said over and over again that the Hawai'i law is more pervasive, is stronger than other states because it provides protection to bloggers. And so I thought about it this morning when I read the paper: that it's the same online media bloggers that have used the *Star-Advertiser* as its guinea pig this morning—or yesterday—with the alleged picture of Osama bin Laden, that the *Star-Advertiser* admits that it was duped by online bloggers. This is the seriousness of online bloggers, not only in Hawai'i, but everywhere, and that this is the kind of situation that while maybe there may not be anyone on this floor who take umbrage or find any sympathy or compassion, in this particular case, there are numerous situations where someone else's photo of what someone dear to us may have been used improperly by an online blogger in that blogger's 'competition' to have other dailies and media outlets like the *Star-Advertiser* to absorb quickly for distribution into the general public. As far as I'm concerned, those online bloggers should be held responsible for that kind of despicable work, actually, and this is the reason I believe this kind of unmitigated shield against media needs to be carefully evaluated.

"That was my comment that I thought about and my good friend over there has caused me to remember, just as my good friend over there, as he won't let me forget about the hoary bat, I want to remind him because I won't forget that when we voted on the floor on pensions, the vote was 24 to 1. He was the one. I want us to remember that because he said in so many words, he's much more eloquent than I am, that it was a rogue, that the Senate did not intend, and in fact by extension the Legislature, did not intend to do away with any kind of legislation on taxing pensions. In fact, the Senate held its ground, and I appreciate the support of all of you and particularly my colleague to my far left, the Chair of Ways and Means.

"Now, the accolades and whatnot being passed around on the Legislature of which I think it's the right of legislators to pat themselves on the back on this occasion, I was visited this morning by Larry Kamakawiwo'ole, who's retiring. I was

struck by... I don't think Larry's here. I didn't ask him to show up. In fact, I never thought about it. I was too taken by the fact that Larry Kamakawiwo'ole, who most of you know or should know in the Public Access Room, is retiring, is a hero. He's a hero for Hawaiian people, and that he would come to say 'goodbye' to me, I was honored. So much so that while the proceeding was going on, I googled him on my left up here, and I want to say a few things about Larry Kamakawiwo'ole, but I want to say it in this context: George Santos, Gwen Kim, Soli Niheu, Dana Park, Ko Hayashi, Pae Galdera, Ray Santana, Kalani Ohelo, John Wittick, Kehau Lee, Terri Keko'olani, Davianna McGregor, Bobby Fernandez, Marion Kelly, Joe Tassill, Dana Park, Joy Ahn, George Helm, Walter Ritte, Richard Sawyer, Emmet Aluli, Judith Napoleon, Joyce Kainoa, Guy Fujimura, Melvin Chang, Setsuo Okubo, Herb Takahashi. These are the men and women who have shaped the blueprint for local people. These are the men and women who were a part of my life and who have shaped the way I think. Larry Kamakawiwo'ole, who is retiring, was a leader of the ethnic studies program when the program could not agree to the policy set forth by Dennis Ogawa.

"I know there are others here who were in the ethnic studies program with me. I know that there are others who are not here, whose names that I just read off, are a part of their lives. We owe a debt of gratitude to people like Larry Kamakawiwo'ole because he has set the template that people like me strive to reach up for every day. He is a living reminder of why I ran for office. He is a living reminder of why we do what we can for poor people because the names that I have read, and there are many others that I have not read, are heroes to local people because they choose to fight for what they believe whether we agree or disagree, and they fight until their heartbeats stops, and then they expect that that heartbeat will be transplanted in others to pick up the fight. I owe a debt of gratitude to Larry Kamakawiwo'ole. I am honored that he came to my office. If you see him, thank him for his work. He is retiring after two bouts of cancer. He has had enough, but he said he will be back. This Capitol will long remember Larry Kamakawiwo'ole. Thank you, Mr. President."

Senator Taniguchi rose and said:

"Could I have the words of the previous speaker with regard to Larry Kamakawiwo'ole placed in the Journal as my own with one correction: I believe it's Ray Catania, not Ray Santana. Thank you, Mr. President." (The Chair so ordered, by reference only.)

Senator Hee responded:

"That's the great thing about this office. There actually are two Rays. And actually, there are more Rays. I didn't mention Pete Thompson. Even Tony Chang. So many others. But the previous speaker is correct, as was I. Thank you."

Senator Solomon rose and said:

"I, too, would like the words incorporated from the previous speaker in reference to Larry Kamakawiwo'ole. I was also a student of his at the University of Hawai'i. Just in some concluding remarks, Mr. President, I really would like to thank the Judiciary chairman. You know, he and I have been together on these many Hawaiian issues for over 30 years, and it was really through his guidance that we were able to get the recognition of the Hawaiian nation. Of course, he and I didn't agree in a lot of situations, but that's life. But the one thing with brother is that in the end we always come full circle and that's what's really important, because it's the circle and that's what the beautiful lei in our Hawai'i are all about, what the meaning of aloha is all about: that we come full circle, no matter we disagree, but we agree to agree and we agree to disagree. So, I want to thank the Senator for his outstanding

work as far as his tremendous tenure with the Office of Hawaiian Affairs, the House of Representatives. You know, he and I had an opportunity to take a photo together in front of Queen Lili'uokalani statue this morning, and we looked at each other and we said, 'Well, you know we came from the right-to-sue legislation in the 80s, and we came full circle, and we're here for the recognition of the Hawaiian nation.' So, Mr. President, I want to express my deepest aloha, and I want to thank this Legislature for supporting, and especially this body, the Senate, for supporting our endeavors. Mahalo nui."

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

"I would like to begin by thanking AARP for the lei and to say that, as a first-time Senator, I've enjoyed working with each and every one of my colleagues. I was apprehensive about where I was initially located here on the floor, but I've grown to respect and enjoy sitting next to the whole minority caucus. I know that there were some questions about the style of leadership, being more open and collaborative, but I've enjoyed being a part of that leadership. And I think in that style, it has allowed the Ways and Means chairman to find his way and to identify his style of leadership, and at the end of the day was one that we all came to admire and respect, and I certainly want to express that respect and admiration to him and his staff for the job that they did. I believe that it was this kind of open and collaborative effort that allowed the chair of the Judiciary and Labor Committee to come to the caucus with an idea about how the Senate should move forward and what our policy should be, so that everybody could stand proudly and receive the lei from AARP this morning.

"I also know that the most valuable commodity in this Chamber is wisdom and knowledge, and so I am glad to recognize people like Uncle Tommy and Eddie Hayashi who have great wisdom and knowledge. This is a place where retirees can come, and they can work for the session, and we can continue to retain and utilize the wisdom and knowledge that they have gained throughout the years to help us do our jobs better. But most importantly, what started me on this journey in 1982 was to inspire and to create a path for our young people, to have them choose to come back here to Hawai'i to create their homes here, to choose to live here so that we can enjoy our grandchildren and our children. And I mention that because I would not have been able to take the gamble or risk that I did without having a great experienced office manager like Harrison Kawate and a young lady like Kara Chow who is from Kaua'i and was living in Las Vegas, that could do the administrative work, that allowed me to hire three young men fresh from college as my legislative staff. And they came here and it took them forever to write their first certificate; and they learned how to make the coffee and the tea in the caucus room, and to make fried rice with leftover food, and even much to the surprise of their mothers, how to do dishes. When I've talked to each one of the three young men as we were here in the last days of the session, each and every one of them expressed the gratitude for the opportunity to work here and how impressed they were by how hard each and every one of you worked. And each and every one of those three young men has made a decision to go back to school because they know how much they don't know. But they also know what they want to learn, so that they can provide quality service for the people of the State of Hawai'i. And so, I'd like to congratulate all of you not just on the work that you have done in the session, but your ability to continue to inspire our young people to strive to create that better Hawai'i we all dream about. Thank you, Mr. President."

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

"Colleagues, last week *Honolulu Magazine* did an article on Hawai'i's public schools, and I'd like to congratulate Mililani

High School for being named 'Hawai'i's Best Public High School' and Kohala High School for being named 'Hawai'i's Most Improved High School.' Congratulations."

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

"I'd like to echo the comments of my colleague from Kaua'i. As a former staff person and a freshman Senator, I also want to acknowledge all the staff that have worked very hard for the Senate. I came in on weekends and saw some of our Senators really working their staff very hard and we need to acknowledge that. Of course, as a former staff person, I'm going to emphasize that, but also I want to thank and recognize our WAM chair, Senator Ige. He comes across very quiet, very reserved, but he held strong for our Senate position, and I want to thank him for that. Good job, Senator Ige. Also, I want to recognize Senator Kidani as the WAM Vice Chair responsible for CIP. That was a very difficult job, and thank you very much. The budget was very challenging. On behalf of my district, we appreciate what you and your staff have done. And to the rest of my colleagues, we're back next year to rock and roll again."

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

"I would just like to add my gratitude and thanks to everyone here, all of the Senators, for a truly extraordinary session, to you, for your leadership. As our good friend from Maui Akoni Akana would say, 'Laki nō o Maui.' Maui is indeed fortunate. But, you know, there is something else that happened in this session and I think as we stand at the point of denouement and the end of this legislative session that we should consider this: you know when I came to the legislature in 1999-2000, I was the only Hawaiian in this body. So, at the turn of the century, there was one. And then Senator Hee joined me, and there were two. And others joined, and now we're seven. And, at that particular number, we were able to get a number of issues across, first and foremost, the recognition bill. But you know, we have to say very, very clearly, that but for all of your votes, that would not have happened. So, it's a critical mass and also critical understanding, and I want to thank all of you in the Senate for understanding the position of the Native Hawaiians and for your vote in support of that. The one thing that we have still holding out there (that we've passed this eight times, we've sent it to the House, and the House still refuses to pass): the Hawaiian language bill. It sits there. So, perhaps the final challenge of the Senate to the House, as we leave, is simply this: PASS THAT BILL. E ola ka 'ōlelo Hawai'i. E ola mākou a pau. Let the language live. Let the language thrive. The House should be ashamed of themselves if they do not pass this bill, but all of us can stand proud that we have passed this eight times. So, as we leave today, keep that on the top of your minds. As you look around, as you see how Hawai'i changes, realize that we can keep our sense of place, our identity, if our language lives as well. Mahalo nui."

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

"The minority floor leader triggered something in my mind and also my colleague from Kaua'i also said a lot of good things about the staff. Now I did mention earlier when I arrived here on January 12, I was met by two of the male members of my staff and I would be terribly remiss if I did not mention the female members of my staff. I joined Senator Kouchi in his office when one of his female staffers was there and reminded me that my 'mom' was there and she was keeping an eye on me, which is Shawna Lau Kong from Honoka'a, who kept me out of a lot of trouble and from being afflicted further with my own ailment. So, I'd like to thank you, Shawna, and my office staff member, Linda, for keeping me on track and keeping me on time as I scurried around the Capitol on the waning days of

this Legislature. And, I thank you again, Mr. President, for your leadership. Thank you very much.”

At this time, the Chair made the following remarks:

“First, I would like to thank all 24 of you, Democrats and Republican, for your continued commitment and collective wisdom in getting our state moving forward. It’s been a very productive 60 days. We’ve worked well together. I would like to also echo the comments of some of my colleagues and thank the staff. Without them, we wouldn’t have been able to get good, sensible legislation passed in those 60 days. It’s truly an honor for me to stand before you and work with all of you and call you colleagues. To my personal staff led by Keira Kamiya and Ross Tsukenjo, thank you for your guidance and support. To the Governor and his administration, I know we’ll be here in a short seven months, but let us pledge to continue to work with him starting tomorrow to continue to make Hawai‘i the best place in the world to live. To House leadership, Speaker Say, and all the members in the House, we would also like to thank you for working with us in making sure that we had one of the most productive, non-fiscal years, in recent memory. So again, I would like to thank all of you, and I look forward to seeing you all again in a short seven months. Mahalo.”

“I would like to suggest that we take a short recess to inform the House that the Senate is ready to adjourn sine die.”

At 11:36 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:51 a.m.

ADJOURNMENT

Senator Espero moved that the Senate of the Twenty-Sixth Legislature of the State of Hawai‘i, Regular Session of 2011, adjourn Sine Die, seconded by Senator Slom and carried.

At 11:53 a.m., the President rapped his gavel and declared the Senate of the Twenty-Sixth Legislature of the State of Hawai‘i, Regular Session of 2011, adjourned Sine Die.