

THIRTIETH DAY

Tuesday, March 15, 2011

The Senate of the Twenty-Sixth Legislature of the State of Hawai'i, Regular Session of 2011, convened at 11:35 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 Twenty-Ninth Day.

At this time, Senator Tokuda introduced robotics teams and their advisors from various high schools including Kalani High School with advisor Bryan Silver, McKinley High School with advisor Osa Tui, Castle High School with advisor John Yim, and Farrington High School with advisor Bebi Davis.

Senator Chun Oakland noted that March was National Social Work Month and welcomed students from Hawai'i Pacific University, Brigham Young University, and the University of Hawai'i at Mānoa who were brought to the Capitol by the National Association of Social Workers to participate in the Annual Social Work Legislative Day.

Senator Galuteria introduced very dear friends Carrie Ann Hewitt, former professor at the University of Hawai'i College of Education, and her husband Joe Fraser, former Vice Chancellor at the Batchelor Institute of Indigenous Tertiary Education, who have returned to Hawai'i to share their knowledge of indigenous and public education.

Senators Galuteria and Taniguchi, in honor of the 10th Annual Game of the Sheraton Hawai'i Bowl, recognized key individuals who were integral in the Hawai'i Bowl's success including Ernie Nishizaki, Executive Vice President and Chief Operating Officer of Kyo-ya Hotels & Resorts; Keith Vieira, Senior Vice President of Operations for Starwood Hotels & Resorts for Hawai'i and French Polynesia; Hugh Yoshida, former Athletics Director of the University of Hawai'i and current Chair of the Sheraton Hawai'i Bowl; Clint Overby, Senior Director of Events for ESPN Regional Television; and David Matlin, Executive Director of the Sheraton Hawai'i Bowl.

Senator Taniguchi also recognized Jim Donovan, Athletics Director for the University of Hawai'i, who was unable to attend.

Senators Fukunaga, Wakai, and Chun Oakland introduced the PBS Hawai'i/Hiki Nō honorees including Leslie Wilcox, President and CEO of PBS Hawai'i; Robert Pennybacker, Executive Producer and Vice President of Creative Services; Sue Yim, Managing Editor, PBS Hawai'i; Chris Lee, founder of the Academy of Creative Media at the University of Hawai'i; and Charleen Ego of Roosevelt High School who was accompanied by members of the Roosevelt student news team including Daralyn Siu Ling Yee, Jessica Mahealani Camat, Chelsea Nagaishi-Choi, Aleyna Foster, Konohia Scott, Melinda Kwok, David J. Moe, and Zoe Piikea Young. Also recognized were Lawrence Pacheco, Managing Editor at Hiki Nō; Muriel Collins, Communications Assistant at Hiki Nō; and Nani Daniels, Apple Area Manager for K-12 Education.

Senator Ihara introduced supporters of honoree Chris Lee who were seated in the gallery, including his parents George and Grace Lee, his partner Peter Savasta, and his sister Carol Lee.

At 11:52 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:00 p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 570 to 574) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 570, submitting for consideration and confirmation to the Education Commission of the States, the nomination of J.N. MUSTO, term to expire June 30, 2015, was referred to the Committee on Education.

Gov. Msg. No. 571, informing the Senate that on March 14, 2011, the Governor withdrew DAVID HEAUKULANI, Gubernatorial Nominee to the Corrections Population Management Commission, from consideration by the Senate (Gov. Msg. No. 563), was placed on file.

Gov. Msg. No. 572, informing the Senate that on March 14, 2011, the Governor withdrew ERNEST MATSUMURA, Gubernatorial Nominee as Director of the Hawai'i Housing Finance and Development Corporation, from consideration by the Senate (Gov. Msg. No. 566), was placed on file.

Gov. Msg. No. 573, submitting for consideration and confirmation to the Environmental Council, the nomination of MARJORIE F.Y. ZIEGLER, term to expire June 30, 2015, was referred to the Committee on Energy and Environment.

Gov. Msg. No. 574, submitting for consideration and confirmation to the Kaho'olawe Island Reserve Commission, the nomination of MICHELE CHOUTEAU MCLEAN, term to expire June 30, 2015, was referred to the Committee on Water, Land, and Housing.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 89 to 95) were read by the Clerk and were deferred:

S.C.R. No. 89 "SENATE CONCURRENT RESOLUTION STRONGLY URGING COMPREHENSIVE INDEPENDENT TESTING AND MONITORING TO DETERMINE THE EXTENT OF RADIATION CONTAMINATION AT THE POHAKULOA TRAINING AREA."

Offered by: Senators Kahele, Solomon, Galuteria, Kidani, Kouchi, Ryan, Tokuda.

S.C.R. No. 90 "SENATE CONCURRENT RESOLUTION RECOGNIZING AND CELEBRATING THE WORLD INDIGENOUS NATIONS HIGHER EDUCATION CONSORTIUM ACCREDITATION OF KA HAKA 'ULA O KE'ELIKOLANI COLLEGE OF HAWAIIAN LANGUAGE AT THE UNIVERSITY OF HAWAI'I AT HILO."

Offered by: Senators Kahele, Baker, Galuteria, Kidani, Kouchi, Solomon, Taniguchi, Tokuda.

S.C.R. No. 91 "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE LAWS AND RULES RELATING TO CONFIDENTIALITY, PRIVACY, AND PRIVILEGE AND THEIR IMPACT ON JUVENILE INFORMATION SHARING."

Offered by: Senators Kahele, Baker, Galuteria, Kidani, Kim, Kouchi, Ryan, Solomon, Taniguchi, Tokuda.

S.C.R. No. 92 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS

THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE INFERTILITY PROCEDURE COVERAGE.”

Offered by: Senator Galuteria.

S.C.R. No. 93 “SENATE CONCURRENT RESOLUTION DISCOURAGING THE PRACTICE OF CREATING AND USING SPECIALTY TIERS FOR PRESCRIPTION DRUGS IN HEALTH PLANS.”

Offered by: Senators Green, Baker, Chun Oakland, Espero, Nishihara, Shimabukuro.

S.C.R. No. 94 “SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF THE PROPOSED MANDATED COVERAGE OF HEALTH INSURANCE FOR TOBACCO CESSATION AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY.”

Offered by: Senators Green, Baker, Chun Oakland, Espero, Nishihara, Shimabukuro.

S.C.R. No. 95 “SENATE CONCURRENT RESOLUTION REQUESTING DEPARTMENTS AND OTHER AGENCIES OF THE STATE AND THE CITY AND COUNTY OF HONOLULU TO DESIGNATE GOVERNMENT PARKING LOTS FOR USE AT NIGHT BY THE HOMELESS WHO OWN VEHICLES AND SLEEP IN THEIR VEHICLES.”

Offered by: Senators Espero, Chun Oakland, Wakai, Dela Cruz, Fukunaga, Ige, Ihara.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 47 to 52) were read by the Clerk and were deferred:

S.R. No. 47 “SENATE RESOLUTION STRONGLY URGING COMPREHENSIVE INDEPENDENT TESTING AND MONITORING TO DETERMINE THE EXTENT OF RADIATION CONTAMINATION AT THE POHAKULOA TRAINING AREA.”

Offered by: Senators Kahele, Solomon, Galuteria, Kidani, Kouchi, Ryan, Tokuda.

S.R. No. 48 “SENATE RESOLUTION RECOGNIZING AND CELEBRATING THE WORLD INDIGENOUS NATIONS HIGHER EDUCATION CONSORTIUM ACCREDITATION OF KA HAKA ‘ULA O KE‘ELIKOLANI COLLEGE OF HAWAIIAN LANGUAGE AT THE UNIVERSITY OF HAWAI‘I AT HILO.”

Offered by: Senators Kahele, Baker, Galuteria, Kidani, Kouchi, Solomon, Tokuda.

S.R. No. 49 “SENATE RESOLUTION REQUESTING A REVIEW OF THE LAWS AND RULES RELATING TO CONFIDENTIALITY, PRIVACY, AND PRIVILEGE AND THEIR IMPACT ON JUVENILE INFORMATION SHARING.”

Offered by: Senators Kahele, Baker, Galuteria, Kidani, Kouchi, Ryan, Solomon, Taniguchi.

S.R. No. 50 “SENATE RESOLUTION DISCOURAGING THE PRACTICE OF CREATING AND USING SPECIALTY TIERS FOR PRESCRIPTION DRUGS IN HEALTH PLANS.”

Offered by: Senators Green, Baker, Chun Oakland, Espero, Nishihara, Shimabukuro.

S.R. No. 51 “SENATE RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF THE PROPOSED MANDATED COVERAGE OF HEALTH INSURANCE FOR TOBACCO CESSATION AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY.”

Offered by: Senators Green, Baker, Chun Oakland, Espero, Nishihara, Shimabukuro.

S.R. No. 52 “SENATE RESOLUTION REQUESTING DEPARTMENTS AND OTHER AGENCIES OF THE STATE AND THE CITY AND COUNTY OF HONOLULU TO DESIGNATE GOVERNMENT PARKING LOTS FOR USE AT NIGHT BY THE HOMELESS WHO OWN VEHICLES AND SLEEP IN THEIR VEHICLES.”

Offered by: Senators Espero, Chun Oakland, Dela Cruz, Fukunaga, Ige, Ihara, Wakai.

STANDING COMMITTEE REPORTS

Senators Fukunaga and Kim, for the Committee on Economic Development and Technology and the Committee on Tourism, presented a joint report (Stand. Com. Rep. No. 804) recommending that the Senate advise and consent to the nomination of RICHARD C. LIM as the Director of the Department of Business, Economic Development and Tourism, in accordance with Gov. Msg. No. 506.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 804 and Gov. Msg. No. 506 was deferred until Wednesday, March 16, 2011.

By unanimous consent, action on Stand. Com. Rep. No. 804 and Gov. Msg. No. 506 was deferred until Thursday, March 17, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 805) recommending that H.B. No. 1034, H.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. 1034, H.D. 1, entitled: “A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 16, 2011.

At this time, the Chair made the following announcement:

“Referrals and re-referrals are made in accordance with the Order of the Day and the Supplemental Order of the Day that may be distributed to your offices later this afternoon.”

ORDER OF THE DAY

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions offered on Thursday, March 10, 2011:

- S.C.R. No.: Referred to:
- S.C.R. No. 62 Committee on Health
- S.C.R. No. 63 Committee on Public Safety, Government Operations, and Military Affairs, then to the Committee on Judiciary and Labor
- S.C.R. No. 64 Committee on Public Safety, Government Operations, and Military Affairs

S.C.R. No. 65 Committee on Public Safety,
Government Operations, and Military
Affairs, then to the Committee on
Judiciary and Labor

REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions offered on Thursday, March 10, 2011:

S.R. No.: Referred to:
S.R. No. 36 Committee on Health
S.R. No. 37 Committee on Public Safety,
Government Operations, and Military
Affairs
S.R. No. 38 Committee on Public Safety,
Government Operations, and Military
Affairs, then to the Committee on
Judiciary and Labor

ADJOURNMENT

At 12:06 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Wednesday, March 16, 2011, on a rising vote, observing a moment of silence in memory of long-time Senate Printshop employee Betty Anderson.