# THE SENATE OF THE TWENTY-SIXTH LEGISLATURE STATE OF HAWAI'I REGULAR SESSION OF 2012

## TWENTY-THIRD DAY

## FEBRUARY 22, 2012-WEDNESDAY-11:30 O'CLOCK A.M.

### **ORDER OF BUSINESS**

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: Nos. 672-765

<u>MEASURE</u>	<u>TITLE</u>	REFERRAL
<u>G.M. No. 672</u>	Submitting for consideration and confirmation to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substance, Gubernatorial Nominee, PAULA MORELLI, for a term to expire 6-30-2015.	нтн
<u>G.M. No. 673</u>	Submitting for consideration and confirmation to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substance, Gubernatorial Nominee, DALLEN PALEKA, for a term to expire 6-30-2016.	нтн
G.M. No. 674	Submitting for consideration and confirmation to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substance, Gubernatorial Nominee, JAMIE TOMITA, for a term to expire 6-30-2016.	нтн

G.M. No. 675	Submitting for consideration and confirmation to the Elevator Mechanics Licensing Board, Gubernatorial Nominee, RICHARD J.Y. LOUIS, for a term to expire 6-30-2016.	CPN
<u>G.M. No. 676</u>	Submitting for consideration and confirmation to the Commission on Fatherhood, Gubernatorial Nominee, S. BRUCE BERGER, for a term to expire 6-30-2013.	HMS
G.M. No. 677	Submitting for consideration and confirmation to the Commission on Fatherhood, Gubernatorial Nominee, CARL MAKINO, for a term to expire 6-30-2013.	HMS
G.M. No. 678	Submitting for consideration and confirmation to the Commission on Fatherhood, Gubernatorial Nominee, DARRIN SATO, for a term to expire 6-30-2015.	HMS
G.M. No. 679	Submitting for consideration and confirmation to the Commission on Fatherhood, Gubernatorial Nominee, WALTER YOSHIMITSU, for a term to expire 6-30-2015.	HMS
G.M. No. 680	Submitting for consideration and confirmation to the Hawai'i Health Authority, Gubernatorial Nominee, NATHAN CHANG, for a term to expire 6-30-2015.	НТН
G.M. No. 681	Submitting for consideration and confirmation to the Hawai'i Health Authority, Gubernatorial Nominee, RITABELLE FERNANDES, for a term to expire 6-30-2015.	НТН
G.M. No. 682	Submitting for consideration and confirmation to the Hawai'i Health Authority, Gubernatorial Nominee, REYNALDO GRAULTY, for a term to expire 6-30-2015.	НТН
G.M. No. 683	Submitting for consideration and confirmation to the Hawai'i Health Authority, Gubernatorial Nominee, STEPHEN KEMBLE, for a term to expire 6-30-2015.	НТН

G.M. No. 684	Submitting for consideration and confirmation to the Hawai'i Health Authority, Gubernatorial Nominee, SEUNGTAI PETER KIM, for a term to expire 6-30-2015.	НТН
G.M. No. 685	Submitting for consideration and confirmation to the Hawai'i Health Authority, Gubernatorial Nominee, MARION POIRIER, for a term to expire 6-30-2015.	НТН
G.M. No. 686	Submitting for consideration and confirmation to the Hawai'i Health Authority, Gubernatorial Nominee, WENDIE SCHWAB, for a term to expire 6-30-2015.	НТН
G.M. No. 687	Submitting for consideration and confirmation to the Hawai'i Health Authority, Gubernatorial Nominee, JORY WATLAND, for a term to expire 6-30-2015.	НТН
<u>G.M. No. 688</u>	Submitting for consideration and confirmation to the Board of Health, Gubernatorial Nominee, ALAN KATZ, for a term to expire 6-30-2016.	НТН
<u>G.M. No. 689</u>	Submitting for consideration and confirmation to the Board of Health, Gubernatorial Nominee, VINCENT LEE, for a term to expire 6-30-2016.	НТН
G.M. No. 690	Submitting for consideration and confirmation to the Board of Health, Gubernatorial Nominee, CLARYSSE NUNOKAWA, for a term to expire 6-30-2016.	НТН
<u>G.M. No. 691</u>	Submitting for consideration and confirmation to the Board of Health, Gubernatorial Nominee, ERIC TASH, for a term to expire 6-30-2016.	НТН
G.M. No. 692	Submitting for consideration and confirmation to the Health Planning Council, Hawai'i County Subarea, Gubernatorial Nominee, KATHRYN HARTER, for a term to expire 6-30-2015.	НТН

G.M. No. 693	Submitting for consideration and confirmation to the Health Planning Council, Hawai'i County Subarea, Gubernatorial Nominee, WAYNE HIGAKI, for a term to expire 6-30-2015.	НТН
G.M. No. 694	Submitting for consideration and confirmation to the Health Planning Council, Hawai'i County Subarea, Gubernatorial Nominee, ALAN PARKER, for a term to expire 6-30-2015.	НТН
G.M. No. 695	Submitting for consideration and confirmation to the Health Planning Council, Hawai'i County Subarea, Gubernatorial Nominee, CHRISTOPHER SCHLUETER, for a term to expire 6-30-2016.	НТН
G.M. No. 696	Submitting for consideration and confirmation to the Health Planning Council, Hawai'i County Subarea, Gubernatorial Nominee, SHERI SHAW, for a term to expire 6-30-2015.	НТН
G.M. No. 697	Submitting for consideration and confirmation to the Health Planning Council, Hawai'i County Subarea, Gubernatorial Nominee, SHEILA NICHOLAS-SMITH, for a term to expire 6-30- 2015.	НТН
G.M. No. 698	Submitting for consideration and confirmation to the Health Planning Council, Hawai'i County Subarea, Gubernatorial Nominee, ANNE STURGIS, for a term to expire 6-30-2015.	нтн
G.M. No. 699	Submitting for consideration and confirmation to the Health Planning Council, Honolulu Subarea, Gubernatorial Nominee, JOSEPH BURKE, for a term to expire 6-30-2015.	НТН
G.M. No. 700	Submitting for consideration and confirmation to the Health Planning Council, Honolulu Subarea, Gubernatorial Nominee, DEBORAH JUAREZ, for a term to expire 6-30-2015.	НТН

G.M. No. 701	Submitting for consideration and confirmation to the Health Planning Council, Honolulu Subarea, Gubernatorial Nominee, KEITH LEE, for a term to expire 6-30-2015.	НТН
<u>G.M. No. 702</u>	Submitting for consideration and confirmation to the Health Planning Council, Honolulu Subarea, Gubernatorial Nominee, JONAGUSTINE LIM, for a term to expire 6-30-2016.	НТН
G.M. No. 703	Submitting for consideration and confirmation to the Health Planning Council, Honolulu Subarea, Gubernatorial Nominee, ROBERTA LOVELY, for a term to expire 6-30-2015.	нтн
G.M. No. 704	Submitting for consideration and confirmation to the Health Planning Council, Honolulu Subarea, Gubernatorial Nominee, CRAIG NAKAMOTO, for a term to expire 6-30-2016.	НТН
G.M. No. 705	Submitting for consideration and confirmation to the Health Planning Council, Honolulu Subarea, Gubernatorial Nominee, LIZA SIMON-TUIOLOSEGA, for a term to expire 6-30-2015.	НТН
G.M. No. 706	Submitting for consideration and confirmation to the Health Planning Council, Kaua'i Subarea, Gubernatorial Nominee, BRIAN CARTER, for a term to expire 6-30-2015.	НТН
G.M. No. 707	Submitting for consideration and confirmation to the Health Planning Council, Kaua'i Subarea, Gubernatorial Nominee, CHARLOTTE CARVALHO, for a term to expire 6-30-2016.	НТН
G.M. No. 708	Submitting for consideration and confirmation to the Health Planning Council, Kaua'i Subarea, Gubernatorial Nominee, PIIKEA KEYES-SAIKI, for a term to expire 6-30-2015.	НТН
G.M. No. 709	Submitting for consideration and confirmation to the Health Planning Council, Kaua'i Subarea, Gubernatorial Nominee, BETTY MOORE, for a term to expire 6-30-2016.	НТН

G.M. No. 710	Submitting for consideration and confirmation to the Health Planning Council, Kaua'i Subarea, Gubernatorial Nominee, DEANNA STARINIERI, for a term to expire 6-30-2015.	НТН
G.M. No. 711	Submitting for consideration and confirmation to the Health Planning Council, Tri-Isle Subarea, Gubernatorial Nominee, JOANN AHUNA, for a term to expire 6-30-2014.	НТН
G.M. No. 712	Submitting for consideration and confirmation to the Health Planning Council, Tri-Isle Subarea, Gubernatorial Nominee, MARY CATIEL, for a term to expire 6-30-2016.	НТН
G.M. No. 713	Submitting for consideration and confirmation to the Health Planning Council, Tri-Isle Subarea, Gubernatorial Nominee, RUSSELL JOHNSON, for a term to expire 6-30-2015.	НТН
G.M. No. 714	Submitting for consideration and confirmation to the Health Planning Council, Tri-Isle Subarea, Gubernatorial Nominee, MAUREEN NAGANUMA, for a term to expire 6-30-2015.	НТН
G.M. No. 715	Submitting for consideration and confirmation to the Health Planning Council, Tri-Isle Subarea, Gubernatorial Nominee, WILLIAM THOMAS JR., for a term to expire 6-30-2016.	НТН
G.M. No. 716	Submitting for consideration and confirmation to the Health Planning Council, West O'ahu Subarea, Gubernatorial Nominee, NANCY FRAZIER, for a term to expire 6-30-2016.	НТН
G.M. No. 717	Submitting for consideration and confirmation to the Health Planning Council, West O'ahu Subarea, Gubernatorial Nominee, ROBERT LUMAS, for a term to expire 6-30-2015.	НТН

G.M. No. 718	Submitting for consideration and confirmation to the Health Planning Council, West O'ahu Subarea, Gubernatorial Nominee, JESSICA SCHLAIS, for a term to expire 6-30-2015.	НТН
G.M. No. 719	Submitting for consideration and confirmation to the Health Planning Council, West O'ahu Subarea, Gubernatorial Nominee, JILL TAMASHIRO, for a term to expire 6-30-2015.	НТН
G.M. No. 720	Submitting for consideration and confirmation to the Health Planning Council, West O'ahu Subarea, Gubernatorial Nominee, LESLIE TANOUE, for a term to expire 6-30-2016.	НТН
G.M. No. 721	Submitting for consideration and confirmation to the Health Planning Council, Windward Oahu Subarea, Gubernatorial Nominee, OCTAVIUS GONZAGA, for a term to expire 6-30-2015.	НТН
G.M. No. 722	Submitting for consideration and confirmation to the Health Planning Council, Windward Oahu Subarea, Gubernatorial Nominee, MEGAN HAGIWARA, for a term to expire 6-30-2015.	НТН
G.M. No. 723	Submitting for consideration and confirmation to the Health Planning Council, Windward O'ahu Subarea, Gubernatorial Nominee, MARIA PACHECO, for a term to expire 6-30-2015.	НТН
G.M. No. 724	Submitting for consideration and confirmation to the King Kamehameha Celebration Commission, Gubernatorial Nominee, KAMAKANAOKEALOHA AQUINO, for a term to expire 6-30-2015.	EDT
G.M. No. 725	Submitting for consideration and confirmation to the King Kamehameha Celebration Commission, Gubernatorial Nominee, ELMER KA'AI, JR., for a term to expire 6-30-2013.	EDT

<u>G.M. No. 726</u>	Submitting for consideration and confirmation to the King Kamehameha Celebration Commission, Gubernatorial Nominee, MARILYN KHAN, for a term to expire 6-30-2015.	EDT
G.M. No. 727	Submitting for consideration and confirmation to the King Kamehameha Celebration Commission, Gubernatorial Nominee, DONNA SMYTHE, for a term to expire 6-30-2015.	EDT
G.M. No. 728	Submitting for consideration and confirmation to the Koke'e State Park Advisory Council, Gubernatorial Nominee, JOSE BULATAO, JR., for a term to expire 6-30-2014.	WLH
G.M. No. 729	Submitting for consideration and confirmation to the Koke'e State Park Advisory Council, Gubernatorial Nominee, MARY BUZA-SIMS, for a term to expire 6-30-2015.	WLH
G.M. No. 730	Submitting for consideration and confirmation to the Koke'e State Park Advisory Council, Gubernatorial Nominee, CANEN HOOKANO, for a term to expire 6-30-2014.	WLH
G.M. No. 731	Submitting for consideration and confirmation to the Koke'e State Park Advisory Council, Gubernatorial Nominee, RHODA LIBRE, for a term to expire 6-30-2015.	WLH
G.M. No. 732	Submitting for consideration and confirmation to the Koke'e State Park Advisory Council, Gubernatorial Nominee, VAL TSUCHIYA, for a term to expire 6-30-2013.	WLH
G.M. No. 733	Submitting for consideration and confirmation to the Board of Land and Natural Resources, Gubernatorial Nominee, SANDI KATO- KLUTKE, for a term to expire 6-30-2016.	WLH
G.M. No. 734	Submitting for consideration and confirmation to the Hawai'i Medical Board, Gubernatorial Nominee, LESLIE BARRICKMAN, for a term to expire 6-30-2015.	CPN

G.M. No. 735	Submitting for consideration and confirmation to the Hawai'i Medical Board, Gubernatorial Nominee, THOMAS KOSASA, for a term to expire 6-30-2016.	CPN
<u>G.M. No. 736</u>	Submitting for consideration and confirmation to the Hawai'i Medical Board, Gubernatorial Nominee, KAREN SEPT, for a term to expire 6-30-2015.	CPN
G.M. No. 737	Submitting for consideration and confirmation to the Board of Naturopathic Medicine, Gubernatorial Nominee, KEVIN GIBSON, for a term to expire 6-30-2016.	CPN
G.M. No. 738	Submitting for consideration and confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee, FRANCISCO CONDE II, for a term to expire 6-30-2016.	EDU
G.M. No. 739	Submitting for consideration and confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee, ART GLADSTONE, for a term to expire 6-30-2013.	EDU
G.M. No. 740	Submitting for consideration and confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee, BETH HOBAN, for a term to expire 6-30-2014.	EDU
G.M. No. 741	Submitting for consideration and confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee, LORI KANESHIGE, for a term to expire 6-30-2014.	EDU
G.M. No. 742	Submitting for consideration and confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee, BARBARA KOOKER, for a term to expire 6-30-2013.	EDU

G.M. No. 743	Submitting for consideration and confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee, SUSAN LEE, for a term to expire 6-30-2014.	EDU
G.M. No. 744	Submitting for consideration and confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee, PATRICIA NISHIMOTO, for a term to expire 6-30-2015.	EDU
G.M. No. 745	Submitting for consideration and confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee, LANI TSUNEISHI, for a term to expire 6-30-2015.	EDU
G.M. No. 746	Submitting for consideration and confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee, SUSAN YOUNG, for a term to expire 6-30-2016.	EDU
G.M. No. 747	Submitting for consideration and confirmation to the State Board of Nursing, Gubernatorial Nominee, JAEDA ELVENIA, for a term to expire 6-30-2016.	CPN
G.M. No. 748	Submitting for consideration and confirmation to the State Board of Nursing, Gubernatorial Nominee, LORAINE FLEMING, for a term to expire 6-30-2014.	CPN
G.M. No. 749	Submitting for consideration and confirmation to the State Board of Nursing, Gubernatorial Nominee, JAMES HOBAN, for a term to expire 6-30-2016.	CPN
G.M. No. 750	Submitting for consideration and confirmation to the Board of Private Detectives and Guards, Gubernatorial Nominee, EDWARD AKIONA, for a term to expire 6-30-2016.	CPN
G.M. No. 751	Submitting for consideration and confirmation to the Hawai'i Paroling Authority, Gubernatorial Nominee, BERT MATSUOKA, for a term to expire 6-30-2016.	PGM

G.M. No. 752	Submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, Gubernatorial Nominee, PETER HAMASAKI, for a term to expire 6-30-2016.	JDL
G.M. No. 753	Submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, Gubernatorial Nominee, KEVIN SUMIDA, for a term to expire 6-30-2016.	JDL
G.M. No. 754	Submitting for consideration and confirmation to the Commission on Water Resource Management, Gubernatorial Nominee, JONATHAN STARR, for a term to expire 6-30- 2016.	WLH
G.M. No. 755	Submitting for consideration and confirmation to the Commission on Water Resource Management, Gubernatorial Nominee, TED YAMAMURA, for a term to expire 6-30-2016.	WLH
G.M. No. 756	Submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, Gubernatorial Nominee, LILIAN STODDARD, for a term to expire 6-30-2015.	НТН
G.M. No. 757	Submitting for consideration and confirmation to the Board of Certification of Public Water System Operators, Gubernatorial Nominee, ROBERT SPETICH, for a term to expire 6-30-2016.	НТН
G.M. No. 758	Submitting for consideration and confirmation to the Board of Certification of Public Water System Operators, Gubernatorial Nominee, JODI YAMAMI, for a term to expire 6-30-2016.	НТН
G.M. No. 759	Submitting for consideration and confirmation to the Board of Certification of Public Water System Operators, Gubernatorial Nominee, LAN YONEDA, for a term to expire 6-30-2015.	НТН

G.M. No. 760	Submitting for consideration and confirmation to the Board of Taxation Review, 1st Taxation District (O'ahu), Gubernatorial Nominee, TRACY CHIANG, for a term to expire 6-30- 2015.	WAM
G.M. No. 761	Submitting for consideration and confirmation to the Board of Taxation Review, 1st Taxation District (O'ahu), Gubernatorial Nominee, ERIC CHING, for a term to expire 6-30-2016.	WAM
G.M. No. 762	Submitting for consideration and confirmation to the Board of Taxation Review, 3rd Taxation District (Hawai'i), Gubernatorial Nominee, PETER TADAKI, for a term to expire 6-30-2016.	WAM
G.M. No. 763	Submitting for consideration and confirmation to the Board of Taxation Review, 4th Taxation District (Kaua'i), Gubernatorial Nominee, RUSSELL KYONO, for a term to expire 6-30- 2014.	WAM
G.M. No. 764	Submitting for consideration and confirmation to the Board of Taxation Review, 4th Taxation District (Kaua'i), Gubernatorial Nominee, RONALD PEEREN, for a term to expire 6-30- 2015.	WAM
G.M. No. 765	Submitting for consideration and confirmation to the Board of Taxation Review, 4th Taxation District (Kaua'i), Gubernatorial Nominee, ERIC YAMA, for a term to expire 6-30-2016.	WAM

# 2. Departmental Communication Nos. 73-74

<u>MEASURE</u>	TITLE	REFERRAL
D.C. No. 73	From the 2012 Salary Commission for the Trustees of the Office of Hawaiian Affairs dated February 15, 2012, transmitting the Report and Recommendations of the 2012 OHA Salary Commission.	FILE
D.C. No. 74	From the State Auditor dated February 16, 2012, transmitting 49 analyses on special and revolving funds proposed in the 2012 legislative session pursuant to Section 23-11, HRS.	FILE

### 3. House Communication Nos. 18-20

	Informing the Senate that on February 21, 2012, the following House Bills passed Third Reading in the House:	REFERRAL
18	H.B. No. 46, H.D. 2 "RELATING TO PUBLIC HOUSING."(Public Housing; Low-income Housing; Smoking Prohibited)	
19	H.B. No. 2455, H.D. 1 "RELATING TO THE STATE CODE OF ETHICS."(Code of Ethics; Task Force; Employee)	
20	H.B. No. 2662, H.D. 1 "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."(Revision Bill)

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(48 Hrs. Notice)

4. Senate Communications: None

5. Judiciary Communications: None

6. Introduction of Measures: Senate Concurrent Resolution Nos. 50-51

Senate Resolution No. 18

7. Standing Committee Report Nos. 2419-2423

2419 (AGL) S.B. No. 2693

(One Day Notice) "RELATING TO AGRICULTURAL

POLICY."

(Recommends passage on SECOND

READING and placement on the calendar for

Third Reading)

2420 (CPN) S.B. No. 2316

(One Day Notice) "RELATING TO CEMETERY AND

FUNERAL TRUSTS."

(Recommends passage on SECOND

READING and placement on the calendar for

Third Reading)

2421 (CPN) <u>S.B. No. 3024, S.D. 1</u>

"RELATING TO CORPORATIONS."

(Recommends passage on <u>SECOND</u>

READING and placement on the calendar for

Third Reading)

2422 (EDU) <u>S.B. No. 2772, S.D. 1</u>

(48 Hrs. Notice) "RELATING TO THE HAWAII STATE

PUBLIC LIBRARY SYSTEM." (Recommends passage on <u>SECOND</u>

READING and placement on the calendar for

Third Reading)

2423 (HTH) S.B. No. 417, S.D. 1
"RELATING TO HEALTH."
(Recommends recommittal to HTH)

## ORDER OF THE DAY

- 8. Miscellaneous Communications: None
- 9. Miscellaneous Business
- 10. Announcements
- Floor Presentation for Thursday, March 1, 2012:

RECOGNIZING AND CONGRATULATING KAUI HART HEMMINGS ON HER MANY ACCOMPLISHMENTS. (Senator Galuteria)

• Committee Hearing Schedule:

DATE & TIME	<b>ROOM</b>
2/22/2012 1:15 PM	016
2/22/2012 1:15 PM	225
2/22/2012 1:15 PM	016
2/23/2012 9:00 AM	229
2/23/2012 9:00 AM	211
2/23/2012 10:00 AM	016
2/23/2012 10:05 AM	016
2/23/2012 1:15 PM	225
2/23/2012 1:20 PM	225
2/23/2012 1:30 PM	225
2/23/2012 2:00 PM	224
2/23/2012 2:15 PM	225
2/23/2012 2:15 PM	225
2/23/2012 2:45 PM	225
2/24/2012 9:00 AM	229
2/24/2012 9:00 AM	211
	2/22/2012 1:15 PM 2/22/2012 1:15 PM 2/22/2012 1:15 PM 2/23/2012 9:00 AM 2/23/2012 9:00 AM 2/23/2012 10:00 AM 2/23/2012 10:05 AM 2/23/2012 1:15 PM 2/23/2012 1:20 PM 2/23/2012 1:30 PM 2/23/2012 2:00 PM 2/23/2012 2:15 PM 2/23/2012 2:15 PM 2/23/2012 2:45 PM 2/24/2012 9:00 AM

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JDL	2/24/2012 9:30 AM	016
JDL	2/24/2012 10:00 AM	016
HTH/WAM	2/24/2012 2:45 PM	229
CPN	2/28/2012 10:00 AM	229
HMS	2/28/2012 1:00 PM	016
PGM	2/28/2012 2:45 PM	224
EDT	2/29/2012 1:15 PM	016
CPN	3/1/2012 9:30 AM	229

• Senate Session will convene at 11:30 a.m. on Thursday, March 1, 2012.

# 11. Adjournment