

TWENTY-THIRD DAY

Wednesday, February 22, 2012

The Senate of the Twenty-Sixth Legislature of the State of Hawai'i, Regular Session of 2012, convened at 11:41 a.m. with President in the Chair.

The Roll was called showing all Senators present with the exception of Senators Galuteria, Ihara, and Shimabukuro who were excused.

The President announced that he had read and approved the Journal of the Twenty-Second Day.

At this time, Senator Fukunaga introduced a group of second-grade students from Hawaiian Mission Academy who were accompanied by their teacher Mrs. Nel Rittenbach; teacher's aide Ms. Frances Oshita; and parent chaperones Mrs. Hiromi Goto Hadley, Ms. Epilihter Kado, Mr. Naoichi Kanazawa, and Mrs. Nanko Kanazawa.

Senator Kim noted that among the visiting students was Elijah Solidum, son of a family friend.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 672 to 765) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 672, submitting for consideration and confirmation to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substance, the nomination of PAULA MORELLI, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 673, submitting for consideration and confirmation to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substance, the nomination of DALLEN PALEKA, term to expire June 30, 2016, was referred to the Committee on Health.

Gov. Msg. No. 674, submitting for consideration and confirmation to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substance, the nomination of JAMIE TOMITA, term to expire June 30, 2016, was referred to the Committee on Health.

Gov. Msg. No. 675, submitting for consideration and confirmation to the Elevator Mechanics Licensing Board, the nomination of RICHARD J.Y. LOUIS, term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 676, submitting for consideration and confirmation to the Commission on Fatherhood, the nomination of S. BRUCE BERGER, term to expire June 30, 2013, was referred to the Committee on Human Services.

Gov. Msg. No. 677, submitting for consideration and confirmation to the Commission on Fatherhood, the nomination of CARL MAKINO, term to expire June 30, 2013, was referred to the Committee on Human Services.

Gov. Msg. No. 678, submitting for consideration and confirmation to the Commission on Fatherhood, the nomination of DARRIN SATO, term to expire June 30, 2015, was referred to the Committee on Human Services.

Gov. Msg. No. 679, submitting for consideration and confirmation to the Commission on Fatherhood, the nomination of WALTER YOSHIMITSU, term to expire June 30, 2015, was referred to the Committee on Human Services.

Gov. Msg. No. 680, submitting for consideration and confirmation to the Hawai'i Health Authority, the nomination of NATHAN CHANG, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 681, submitting for consideration and confirmation to the Hawai'i Health Authority, the nomination of RITABELLE FERNANDES, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 682, submitting for consideration and confirmation to the Hawai'i Health Authority, the nomination of REYNALDO GRAULTY, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 683, submitting for consideration and confirmation to the Hawai'i Health Authority, the nomination of STEPHEN KEMBLE, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 684, submitting for consideration and confirmation to the Hawai'i Health Authority, the nomination of SEUNGTAI PETER KIM, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 685, submitting for consideration and confirmation to the Hawai'i Health Authority, the nomination of MARION POIRIER, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 686, submitting for consideration and confirmation to the Hawai'i Health Authority, the nomination of WENDIE SCHWAB, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 687, submitting for consideration and confirmation to the Hawai'i Health Authority, the nomination of JORY WATLAND, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 688, submitting for consideration and confirmation to the Board of Health, the nomination of ALAN KATZ, term to expire June 30, 2016, was referred to the Committee on Health.

Gov. Msg. No. 689, submitting for consideration and confirmation to the Board of Health, the nomination of VINCENT LEE, term to expire June 30, 2016, was referred to the Committee on Health.

Gov. Msg. No. 690, submitting for consideration and confirmation to the Board of Health, the nomination of CLARYSSE NUNOKAWA, term to expire June 30, 2016, was referred to the Committee on Health.

Gov. Msg. No. 691, submitting for consideration and confirmation to the Board of Health, the nomination of ERIC TASH, term to expire June 30, 2016, was referred to the Committee on Health.

Gov. Msg. No. 692, submitting for consideration and confirmation to the Health Planning Council, Hawai'i County Subarea, the nomination of KATHRYN HARTER, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 693, submitting for consideration and confirmation to the Health Planning Council, Hawai'i County Subarea, the nomination of WAYNE HIGAKI, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 694, submitting for consideration and confirmation to the Health Planning Council, Hawai'i County

Subarea, the nomination of ALAN PARKER, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 695, submitting for consideration and confirmation to the Health Planning Council, Hawai'i County Subarea, the nomination of CHRISTOPHER SCHLUETER, term to expire June 30, 2016, was referred to the Committee on Health.

Gov. Msg. No. 696, submitting for consideration and confirmation to the Health Planning Council, Hawai'i County Subarea, the nomination of SHERI SHAW, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 697, submitting for consideration and confirmation to the Health Planning Council, Hawai'i County Subarea, the nomination of SHEILA NICHOLAS-SMITH, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 698, submitting for consideration and confirmation to the Health Planning Council, Hawai'i County Subarea, the nomination of ANNE STURGIS, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 699, submitting for consideration and confirmation to the Health Planning Council, Honolulu Subarea, the nomination of JOSEPH BURKE, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 700, submitting for consideration and confirmation to the Health Planning Council, Honolulu Subarea, the nomination of DEBORAH JUAREZ, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 701, submitting for consideration and confirmation to the Health Planning Council, Honolulu Subarea, the nomination of KEITH LEE, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 702, submitting for consideration and confirmation to the Health Planning Council, Honolulu Subarea, the nomination of JONAGUSTINE LIM, term to expire June 30, 2016, was referred to the Committee on Health.

Gov. Msg. No. 703, submitting for consideration and confirmation to the Health Planning Council, Honolulu Subarea, the nomination of ROBERTA LOVELY, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 704, submitting for consideration and confirmation to the Health Planning Council, Honolulu Subarea, the nomination of CRAIG NAKAMOTO, term to expire June 30, 2016, was referred to the Committee on Health.

Gov. Msg. No. 705, submitting for consideration and confirmation to the Health Planning Council, Honolulu Subarea, the nomination of LIZA SIMON-TUIOLOSEGA, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 706, submitting for consideration and confirmation to the Health Planning Council, Kaua'i Subarea, the nomination of BRIAN CARTER, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 707, submitting for consideration and confirmation to the Health Planning Council, Kaua'i Subarea, the nomination of CHARLOTTE CARVALHO, term to expire June 30, 2016, was referred to the Committee on Health.

Gov. Msg. No. 708, submitting for consideration and confirmation to the Health Planning Council, Kaua'i Subarea, the nomination of PIKEA KEYES-SAIKI, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 709, submitting for consideration and confirmation to the Health Planning Council, Kaua'i Subarea, the nomination of BETTY MOORE, term to expire June 30, 2016, was referred to the Committee on Health.

Gov. Msg. No. 710, submitting for consideration and confirmation to the Health Planning Council, Kaua'i Subarea, the nomination of DEANNA STARINIERI, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 711, submitting for consideration and confirmation to the Health Planning Council, Tri-Isle Subarea, the nomination of JOANN AHUNA, term to expire June 30, 2014, was referred to the Committee on Health.

Gov. Msg. No. 712, submitting for consideration and confirmation to the Health Planning Council, Tri-Isle Subarea, the nomination of MARY CATIEL, term to expire June 30, 2016, was referred to the Committee on Health.

Gov. Msg. No. 713, submitting for consideration and confirmation to the Health Planning Council, Tri-Isle Subarea, the nomination of RUSSELL JOHNSON, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 714, submitting for consideration and confirmation to the Health Planning Council, Tri-Isle Subarea, the nomination of MAUREEN NAGANUMA, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 715, submitting for consideration and confirmation to the Health Planning Council, Tri-Isle Subarea, the nomination of WILLIAM THOMAS JR., term to expire June 30, 2016, was referred to the Committee on Health.

Gov. Msg. No. 716, submitting for consideration and confirmation to the Health Planning Council, West O'ahu Subarea, the nomination of NANCY FRAZIER, term to expire June 30, 2016, was referred to the Committee on Health.

Gov. Msg. No. 717, submitting for consideration and confirmation to the Health Planning Council, West O'ahu Subarea, the nomination of ROBERT LUMAS, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 718, submitting for consideration and confirmation to the Health Planning Council, West O'ahu Subarea, the nomination of JESSICA SCHLAIS, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 719, submitting for consideration and confirmation to the Health Planning Council, West O'ahu Subarea, the nomination of JILL TAMASHIRO, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 720, submitting for consideration and confirmation to the Health Planning Council, West O'ahu Subarea, the nomination of LESLIE TANOUÉ, term to expire June 30, 2016, was referred to the Committee on Health.

Gov. Msg. No. 721, submitting for consideration and confirmation to the Health Planning Council, Windward Oahu Subarea, the nomination of OCTAVIUS GONZAGA, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 722, submitting for consideration and confirmation to the Health Planning Council, Windward Oahu Subarea, the nomination of MEGAN HAGIWARA, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 723, submitting for consideration and confirmation to the Health Planning Council, Windward O'ahu Subarea, the nomination of MARIA PACHECO, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 724, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nomination of KAMAKANAOKEALOHA AQUINO, term to expire June 30, 2015, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 725, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nomination of ELMER KA'AI, JR., term to expire June 30, 2013, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 726, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nomination of MARILYN KHAN, term to expire June 30, 2015, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 727, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nomination of DONNA SMYTHE, term to expire June 30, 2015, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 728, submitting for consideration and confirmation to the Koke'e State Park Advisory Council, the nomination of JOSE BULATAO, JR., term to expire June 30, 2014, was referred to the Committee on Water, Land, and Housing.

Gov. Msg. No. 729, submitting for consideration and confirmation to the Koke'e State Park Advisory Council, the nomination of MARY BUZA-SIMS, term to expire June 30, 2015, was referred to the Committee on Water, Land, and Housing.

Gov. Msg. No. 730, submitting for consideration and confirmation to the Koke'e State Park Advisory Council, the nomination of CANEN HOOKANO, term to expire June 30, 2014, was referred to the Committee on Water, Land, and Housing.

Gov. Msg. No. 731, submitting for consideration and confirmation to the Koke'e State Park Advisory Council, the nomination of RHODA LIBRE, term to expire June 30, 2015, was referred to the Committee on Water, Land, and Housing.

Gov. Msg. No. 732, submitting for consideration and confirmation to the Koke'e State Park Advisory Council, the nomination of VAL TSUCHIYA, term to expire June 30, 2013, was referred to the Committee on Water, Land, and Housing.

Gov. Msg. No. 733, submitting for consideration and confirmation to the Board of Land and Natural Resources, the nomination of SANDI KATO-KLUTKE, term to expire June 30, 2016, was referred to the Committee on Water, Land, and Housing.

Gov. Msg. No. 734, submitting for consideration and confirmation to the Hawai'i Medical Board, the nomination of LESLIE BARRICKMAN, term to expire June 30, 2015, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 735, submitting for consideration and confirmation to the Hawai'i Medical Board, the nomination of THOMAS KOSASA, term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 736, submitting for consideration and confirmation to the Hawai'i Medical Board, the nomination of KAREN SEPT, term to expire June 30, 2015, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 737, submitting for consideration and confirmation to the Board of Naturopathic Medicine, the nomination of KEVIN GIBSON, term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 738, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of FRANCISCO CONDE II, term to expire June 30, 2016, was referred to the Committee on Education.

Gov. Msg. No. 739, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of ART GLADSTONE, term to expire June 30, 2013, was referred to the Committee on Education.

Gov. Msg. No. 740, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of BETH HOBAN, term to expire June 30, 2014, was referred to the Committee on Education.

Gov. Msg. No. 741, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of LORI KANESHIGE, term to expire June 30, 2014, was referred to the Committee on Education.

Gov. Msg. No. 742, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of BARBARA KOOKER, term to expire June 30, 2013, was referred to the Committee on Education.

Gov. Msg. No. 743, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of SUSAN LEE, term to expire June 30, 2014, was referred to the Committee on Education.

Gov. Msg. No. 744, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of PATRICIA NISHIMOTO, term to expire June 30, 2015, was referred to the Committee on Education.

Gov. Msg. No. 745, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of LANI TSUNEISHI, term to expire June 30, 2015, was referred to the Committee on Education.

Gov. Msg. No. 746, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of SUSAN YOUNG, term to expire June 30, 2016, was referred to the Committee on Education.

Gov. Msg. No. 747, submitting for consideration and confirmation to the State Board of Nursing, the nomination of JAEDA ELVENIA, term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 748, submitting for consideration and confirmation to the State Board of Nursing, the nomination of LORAIN FLEMING, term to expire June 30, 2014, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 749, submitting for consideration and confirmation to the State Board of Nursing, the nomination of JAMES HOBAN, term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 750, submitting for consideration and confirmation to the Board of Private Detectives and Guards, the nomination of EDWARD AKIONA, term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 751, submitting for consideration and confirmation to the Hawai'i Paroling Authority, the nomination of BERT MATSUOKA, term to expire June 30, 2016, was

referred to the Committee on Public Safety, Government Operations, and Military Affairs.

Gov. Msg. No. 752, submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, the nomination of PETER HAMASAKI, term to expire June 30, 2016, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 753, submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, the nomination of KEVIN SUMIDA, term to expire June 30, 2016, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 754, submitting for consideration and confirmation to the Commission on Water Resource Management, the nomination of JONATHAN STARR, term to expire June 30, 2016, was referred to the Committee on Water, Land, and Housing.

Gov. Msg. No. 755, submitting for consideration and confirmation to the Commission on Water Resource Management, the nomination of TED YAMAMURA, term to expire June 30, 2016, was referred to the Committee on Water, Land, and Housing.

Gov. Msg. No. 756, submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, the nomination of LILIAN STODDARD, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 757, submitting for consideration and confirmation to the Board of Certification of Public Water System Operators, the nomination of ROBERT SPETICH, term to expire June 30, 2016, was referred to the Committee on Health.

Gov. Msg. No. 758, submitting for consideration and confirmation to the Board of Certification of Public Water System Operators, the nomination of JODI YAMAMI, term to expire June 30, 2016, was referred to the Committee on Health.

Gov. Msg. No. 759, submitting for consideration and confirmation to the Board of Certification of Public Water System Operators, the nomination of LAN YONEDA, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 760, submitting for consideration and confirmation to the Board of Taxation Review, 1st Taxation District (O'ahu), the nomination of TRACY CHIANG, term to expire June 30, 2015, was referred to the Committee on Ways and Means.

Gov. Msg. No. 761, submitting for consideration and confirmation to the Board of Taxation Review, 1st Taxation District (O'ahu), the nomination of ERIC CHING, term to expire June 30, 2016, was referred to the Committee on Ways and Means.

Gov. Msg. No. 762, submitting for consideration and confirmation to the Board of Taxation Review, 3rd Taxation District (Hawai'i), the nomination of PETER TADAKI, term to expire June 30, 2016, was referred to the Committee on Ways and Means.

Gov. Msg. No. 763, submitting for consideration and confirmation to the Board of Taxation Review, 4th Taxation District (Kaua'i), the nomination of RUSSELL KYONO, term to expire June 30, 2014, was referred to the Committee on Ways and Means.

Gov. Msg. No. 764, submitting for consideration and confirmation to the Board of Taxation Review, 4th Taxation District (Kaua'i), the nomination of RONALD PEEREN, term

to expire June 30, 2015, was referred to the Committee on Ways and Means.

Gov. Msg. No. 765, submitting for consideration and confirmation to the Board of Taxation Review, 4th Taxation District (Kaua'i), the nomination of ERIC YAMA, term to expire June 30, 2016, was referred to the Committee on Ways and Means.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 73 and 74) were read by the Clerk and were placed on file:

Dept. Com. 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.

Dept. Com. 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 Act 164, Section 23, SLH 2011.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 18 to 20) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 18, transmitting H.B. No. 46, H.D. 2, which passed Third Reading in the House of Representatives on February 21, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 46, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed First Reading by title and was deferred.

Hse. Com. No. 19, transmitting H.B. No. 2455, H.D. 1, which passed Third Reading in the House of Representatives on February 21, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 2455, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE CODE OF ETHICS," passed First Reading by title and was deferred.

Hse. Com. No. 20, transmitting H.B. No. 2662, H.D. 1, which passed Third Reading in the House of Representatives on February 21, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 2662, 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," passed First Reading by title and was deferred.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 50 to 52) were read by the Clerk and were referred to committee or deferred:

S.C.R. No. 50 "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."

Offered by: Senators Chun Oakland, English, Espero, Fukunaga, Gabbard, Galuteria, Kahele, Kidani, Ryan, Shimabukuro, Tokuda,

Baker, Dela Cruz, Green, Ige, Ihara, Nishihara, Taniguchi, Wakai.

S.C.R. No. 51 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, AFTER CONSULTATION WITH THE DEPARTMENT OF TRANSPORTATION, TO DETERMINE THE COST OF PLACING AN OVERPASS OVER THE H-1 FREEWAY TO EXTEND BETWEEN NUUANU STREAM AND QUEEN EMMA STREET THAT WOULD REDUCE TRAFFIC NOISE POLLUTION AND BE USED AS A PARK OR OTHER COMMUNITY USE PURPOSE."

Offered by: Senators Chun Oakland, Fukunaga, Green, Ihara, Shimabukuro.

S.C.R. No. 52 "SENATE CONCURRENT RESOLUTION URGING GROVE FARM COMPANY TO ALLOW KOLOA PLANTATION CAMP TENANTS TO REMAIN ON THE PROPERTY PAST THE EVICTION DATE AND TO ASSIGN THE TENANTS TO DESIGNATED AFFORDABLE HOMES DEVELOPED AT KOLOA PLANTATION CAMP."

Offered by: Senators Kouchi, Hee.

Referred to: Committee on Judiciary and Labor

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 18 and 19) were read by the Clerk and were referred to committee or deferred:

S.R. No. 18 "SENATE RESOLUTION ENCOURAGING STATE AND COUNTY AGENCIES AND OTHER LARGE WATER USERS TO CONSERVE OUTDOOR LANDSCAPE WATER USE AND TO ADOPT THE LANDSCAPE INDUSTRY COUNCIL OF HAWAII'S IRRIGATION WATER CONSERVATION BEST MANAGEMENT PRACTICES TO CONSERVE OUTDOOR LANDSCAPE WATER USE."

Offered by: Senators Chun Oakland, Fukunaga, Shimabukuro, Green, Ihara, Tokuda.

S.R. No. 19 "SENATE RESOLUTION URGING GROVE FARM COMPANY TO ALLOW KOLOA PLANTATION CAMP TENANTS TO REMAIN ON THE PROPERTY PAST THE EVICTION DATE AND TO ASSIGN THE TENANTS TO DESIGNATED AFFORDABLE HOMES DEVELOPED AT KOLOA PLANTATION CAMP."

Offered by: Senators Kouchi, Hee.

Referred to: Committee on Judiciary and Labor

STANDING COMMITTEE REPORTS

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2419) recommending that S.B. No. 2693 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 S.B. No. 2693, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL POLICY," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 1, 2012.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2420) recommending that S.B. No. 2316 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 S.B. No. 2316, entitled: "A BILL FOR AN ACT RELATING TO CEMETERY AND FUNERAL TRUSTS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 1, 2012.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2421) recommending that S.B. No. 3024, 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 S.B. No. 3024, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 1, 2012.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2422) recommending that S.B. No. 2772, 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 S.B. No. 2772, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 1, 2012.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2423) recommending that S.B. No. 417, as amended in S.D. 1, be recommitted to the Committee on Health.

On motion by Senator Espero, seconded by Senator Slom and carried, Stand. Com. Rep. No. 2423 was adopted and S.B. No. 417, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was recommitted to the Committee on Health.

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

"Several hours ago, we started a process in the auditorium with the House Finance Committee and the Senate Ways and Means Committee to have an informational briefing on the grants-in-aid proposals. And I note that there were and are—because the hearings are going to go on until 3:00 this afternoon—88 different organizations that are seeking taxpayer money for their support. Many of them are worthwhile organizations with worthwhile programs. There are a lot of duplications, however, in the kinds of services that are being provided and seeking taxpayer funds, and then there are some organizations and projects that any rational and reasonable person would and should question.

"I think, for me, the bottom line is that each year we seem to see more people, more organizations coming to the Legislature, asking for taxpayer money when, in fact, many of them had been supporting themselves previously by themselves. I think the message that we should send is that our economic problems and challenges are real, that the taxpayer funds that we depend upon are in short supply, and that many of these organizations should get the message that they're going to have to re-do things just as the Legislature and state government are going to do. So, I would hope that we would do that so that we could reduce the number of people actually coming here year after year seeking taxpayer funds. Thank you, Mr. President."

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

“Mr. President, colleagues, there’s a Senate resolution and Senate concurrent resolution introduced today, and it would not have been possible without the support of the Senator who represents the island of Kaua’i; and so for that I am grateful to his concurring with my concern about the evictions looming for Kōloa plantation camp.

“Yesterday, the caucus leader and I had an opportunity to sit down to discuss the gravity of evictions in general and if there are not solutions at hand. I think it would seem to me that most of us are familiar that Grove Farm, which owns the land at Kōloa, seeks to construct a 50-unit development, which would require, evidently from their perspective, evictions of what appears to be—and I could be incorrect—but it appears to be eight remaining tenants, all decedents of the plantation and several of whom are elderly.

“What strikes me in this particular issue is it reminds me a lot of other evictions that I have participated in, as a university student and more recently in Kahana, that these are people just like us that come from humble beginnings, and people who are looking for assistance. My effort in seeking out the member from the Garden Isle was to see if there ought not to be solutions at hand that Grove Farm might consider to allow them to continue to reside in their plantation camp homes. The Senate member from Kaua’i indicated that there’s a county ordinance that requires that one-third of any development be affordable for workforce development. One-third of 50 is 15, and there are 8 homes, so there may be something there.

“I want to be clear that the resolution does not seek to overturn private property rights. And in fact, in my haste to have the resolutions introduced today—so that we can take advantage of the mandatory recess, which will set us back—I did not include that the Senate recognizes the rights of private property owners. I will do so if I have the opportunity to amend the reso. The evictions are scheduled to take place in the middle of March, and that is why the haste to have the resolutions introduced today so that a clear signal could be sent to Grove Farm that the Senate is concerned about the looming evictions scheduled for March. Coincidentally, the Senate member from Kaua’i asked me if I had read the *Garden Isle* this morning, and I had not. Evidently, Councilmember Yukimura has also introduced a resolution at the county level to address this situation.

“I want to publically thank the Senate member from Kaua’i for agreeing to introduce it. I’m pleased to co-introduce it, and quite frankly would have circulated the resolution but for the lack of time. So, I appreciate the indulgence of the members and would urge that these resolutions be adopted as soon as possible to send a clear message regarding the treatment of plantation descendents of plantation workers. Thank you.”

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

“Just briefly, the Grove Farm Company has been doing business on Kaua’i for many years and has a great community reputation. Land owned by them was gifted over to the state so that we could build the Kaua’i Community College. Land that they helped set aside in entitlements allowed the YMCA Olympic-sized pool to be built on Kaua’i. So, they have shown in the past a willingness to work with the community at large and have done many good things; and so it is my hope that, with this resolution, we can continue a discussion with them.

“Whether it’s in the desire to meet their affordable housing requirement that we can address the needs of the existing tenants, or perhaps with the buyer who has come forward, and may be able to allow negotiations to reopen, the new buyer would like to make sure that the tenants could remain in the parcels where they’ve grown up. It is hoped that we are able to

arrive at a resolution that is good for Grove Farm, good for the tenants, good for all residents of Kaua’i, so I thank you for your consideration and the assistance from my colleague on the other side of the Pali. Thank you.”

At 11:54 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate recovered at 11:55 a.m.

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 BILLS

The President made the following committee assignments of House bills received on Thursday, February 16, 2012; Friday, February 17, 2012; and Tuesday, February 21, 2012:

H.B. No.:	Referred to:
H.B. No. 1764, H.D. 1	Jointly to the Committee on Judiciary and Labor and the Committee on Ways and Means
H.B. No. 2436, H.D. 1	Committee on Economic Development and Technology
H.B. No. 2438, H.D. 2	Committee on Judiciary and Labor, then to the Committee on Ways and Means

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of Senate concurrent resolutions offered on Wednesday, February 8, 2012; and Thursday, February 9, 2012:

S.C.R. No.:	Referred to:
S.C.R. No. 34	Senate Special Committee on Accountability - 01
S.C.R. No. 37	Senate Special Committee on Accountability - 01

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

S.B. No.:	Re-referred to:
S.B. No. 2399, S.D. 1	Jointly to the Committee on Economic Development and Technology and the Committee on Public Safety, Government Operations, and Military Affairs, then to the Committee on Ways and Means
S.B. No. 2433, S.D. 1	Jointly to the Committee on Commerce and Consumer Protection and the Committee on Economic Development and Technology and the Committee on Judiciary and Labor, then to the Committee on Ways and Means

RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bills that were received:

H.B. No.:	Re-referred to:
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- H.B. No. 2096, H.D. 1 Jointly to the Committee on Judiciary and Labor and the Committee on Ways and Means
- H.B. No. 2437, H.D. 1 Jointly to the Committee on Judiciary and Labor and the Committee on Ways and Means
- H.B. No. 2438, H.D. 2 Jointly to the Committee on Judiciary and Labor and the Committee on Ways and Means

**RE-REFERRAL OF A
SENATE CONCURRENT RESOLUTION**

The Chair re-referred the following Senate concurrent resolution that was offered:

- | | |
|---------------|--|
| S.C.R. No.: | Re-referred to: |
| S.C.R. No. 40 | Jointly to the Committee on Economic Development and Technology and the Committee on Public Safety, Government Operations, and Military Affairs, then to the Committee on Ways and Means |

ADJOURNMENT

At 11:55 a.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Thursday, March 1, 2012.