

TWENTY-EIGHTH DAY

Friday, March 9, 2012

The Senate of the Twenty-Sixth Legislature of the State of Hawai'i, Regular Session of 2012, convened at 11:32 a.m. with the Vice President in the Chair.

The Roll was called showing all Senators present with the exception of Senators Espero, Ryan, and Tsutsui who were excused.

The Vice President announced that she had read and approved the Journal of the Twenty-Seventh Day.

At this time, Senator Baker recognized and congratulated Planned Parenthood of Hawai'i for its 45 years of dedicated service to the people of Hawai'i. Representing Planned Parenthood of Hawai'i were Andrea Anderson, CEO; Dr. Ann Rahall, Medical Director; Bette Takahashi, former Member and President of the Board of Directors; Sheila O'Keefe, Director of Development; and Katie Reardon-Polidoro, Director of Public Affairs and Government Relations. Also recognized were two advocates for Planned Parenthood of Hawai'i who were seated in the gallery: Amy Monk, Vice President of Planned Parenthood Board of Directors, and Ann Freed, former staff member for Senator Baker.

Senators Slom, Galuteria, and Kahele recognized the 2012 Junior Achievement of Hawaii Business Hall of Fame Laureates including Jay Kadowaki of J. Kadowaki, Inc., Ric Maiava and Debra Ching Maiava of Ken's House of Pancakes (Hilo), and Daniel B.T. Lau of Finance Factors. The honorees were accompanied by Carolyn Fujioka of State Farm Insurance and Chair of Junior Achievement of Hawaii. Also recognized was Diane Ward, President of Junior Achievement of Hawaii who was seated in the gallery.

Also recognized were supporters of the honorees including Jan Kadowaki, daughter of Jay Kadowaki; Lei Lee Ching, mother of Debra Ching Maiava and daughter of Steven Lee, Sergeant-At-Arms for the Hawai'i State House of Representatives in 1960; Daniel Lau's family members including wife Evelyn, son Jeff, son Russell and his wife Connie, son Girard and his wife Miyuki, and daughter Vicki, as well as Elaine Uemura, Daniel's secretary; and other supporters including Steve Teruya, April Lee, Sheryll Piimauna, Young Cho, Maila Tokita, and Bernie Ornellas.

Senator Chun Oakland, on behalf of Senator Ige and herself, introduced Mr. Russell Minobe, a teacher at Pearl City Elementary School who regularly brings five outstanding students to visit the Capitol every year. This year, those students were: Alycia Pasion, Iris Ponce, Naomi Reupena-Tuaiao, Jessica Miller, and Jasmin Nagasawa. Accompanying the Mr. Minobe and the students were parents Sukana Pasion and Monica Ponce, and grandparent Penny Reupena.

Senator Tokuda introduced Ms. Tammi Oyadomari-Chun, Educational Policy Advisor to Governor Abercrombie, and her son Josh, a kindergartener at 'Aina Haina Elementary School.

Senator Kidani introduced her cousin Laurie Souza and Laurie's sister-in-law Vida Kamiri, as well as cousin Dee Dee Hildreth Miller from Mānoa.

At 11:55 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:03 p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 224 to 227 and 767 to 799) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 224, dated February 10, 2012, transmitting proposed changes to the FY 12-13 Supplemental Budget for the Departments of Commerce and Consumer Affairs and Health, was placed on file.

Gov. Msg. No. 225, dated March 1, 2012, transmitting proposed changes to the FY 12-13 Supplemental Budget for the Departments of Accounting and General Services, Attorney General, Budget and Finance, Commerce and Consumer Affairs, Education, Human Services, Public Safety, and Transportation, was placed on file.

Gov. Msg. No. 226, dated March 2, 2012, transmitting the proposed changes to the FY 12-13 Supplemental Budget, Capital Improvement Program, for the Department of Transportation, was placed on file.

Gov. Msg. No. 227, dated March 8, 2012, transmitting proposed changes to the FY 12-13 Supplemental Budget, which consist of corrections for items listed in Governor's Message No. 225 dated March 1, 2012, relating to the Departments of Commerce and Consumer Affairs and Budget and Finance; and proposed budget message items for the Departments of Accounting and General Services, Land and Natural Resources, and Transportation, was placed on file.

Gov. Msg. No. 767, submitting for consideration and confirmation to the Hawai'i Aerospace Advisory Committee, gubernatorial nominee, FRANK OLIC, for a term to expire June 30, 2013, was referred to the Committee on Public Safety, Government Operations, and Military Affairs.

Gov. Msg. No. 768, submitting for consideration and confirmation to the State Board of Public Accountancy, gubernatorial nominee, GABRIEL LEE, for a term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 769, submitting for consideration and confirmation to the State Board of Public Accountancy, gubernatorial nominee, GREGG TAKETA, for a term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 770, submitting for consideration and confirmation to the State Boxing Commission of Hawai'i, gubernatorial nominee, SNOOKY FUJIKAWA, for a term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 771, submitting for consideration and confirmation to the State Boxing Commission of Hawai'i, gubernatorial nominee, MYOUNG OH, for a term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 772, submitting for consideration and confirmation to the State Boxing Commission of Hawai'i, gubernatorial nominee, ABRAHAM PACHECO, for a term to expire June 30, 2015, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 773, submitting for consideration and confirmation to the State Boxing Commission of Hawai'i, gubernatorial nominee, BIENVENIDO VILLAFLORES, for a

term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 774, submitting for consideration and confirmation to the Board of Dental Examiners, Gubernatorial Nominee, MARK CHUN, for a term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 775, submitting for consideration and confirmation to the Board of Dental Examiners, Gubernatorial Nominee, PAUL GUEVARA, for a term to expire June 30, 2015, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 776, submitting for consideration and confirmation to the Board of Dental Examiners, Gubernatorial Nominee, GARRETT OTA, for a term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 777, submitting for consideration and confirmation to the Motor Vehicle Industry Licensing Board, Gubernatorial Nominee, RANDALL HASHIMOTO, for a term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 778, submitting for consideration and confirmation to the Board of Examiners in Optometry, Gubernatorial Nominee, JERE LOO, for a term to expire June 30, 2015, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 779, submitting for consideration and confirmation to the Board of Physical Therapy, Gubernatorial Nominee, DEBRA KUBOTA, for a term to expire June 30, 2015, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 780, submitting for consideration and confirmation to the Board of Physical Therapy, Gubernatorial Nominee, NEIL SHIMABUKURO, for a term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 781, submitting for consideration and confirmation to the Early Learning Council, Gubernatorial Nominee, ALFRED CASTLE, for a term to expire June 30, 2014, was referred to the Committee on Human Services.

Gov. Msg. No. 782, submitting for consideration and confirmation to the Early Learning Council, Gubernatorial Nominee, CHRISTINA COX, for a term to expire June 30, 2014, was referred to the Committee on Human Services.

Gov. Msg. No. 783, submitting for consideration and confirmation to the Early Learning Council, Gubernatorial Nominee, LORA PERRY, for a term to expire June 30, 2014, was referred to the Committee on Human Services.

Gov. Msg. No. 784, submitting for consideration and confirmation to the Environmental Council, Gubernatorial Nominee, MARK AMBLER, for a term to expire June 30, 2016, was referred to the Committee on Energy and Environment.

Gov. Msg. No. 785, submitting for consideration and confirmation to the Environmental Council, Gubernatorial Nominee, KOALANI KAULUKUKUI, for a term to expire June 30, 2016, was referred to the Committee on Energy and Environment.

Gov. Msg. No. 786, submitting for consideration and confirmation to the Environmental Council, Gubernatorial Nominee, AZITA QUON, for a term to expire June 30, 2016, was referred to the Committee on Energy and Environment.

Gov. Msg. No. 787, submitting for consideration and confirmation to the Environmental Council, Gubernatorial Nominee, JOHN RICHARDS, for a term to expire June 30, 2016, was referred to the Committee on Energy and Environment.

Gov. Msg. No. 788, submitting for consideration and confirmation to the Environmental Council, Gubernatorial Nominee, GLENN TEVES, for a term to expire June 30, 2016, was referred to the Committee on Energy and Environment.

Gov. Msg. No. 789, submitting for consideration and confirmation to the Statewide Health Coordinating Council, Gubernatorial Nominee, LAURA COLBERT, for a term to expire June 30, 2016, was referred to the Committee on Health.

Gov. Msg. No. 790, submitting for consideration and confirmation to the Statewide Health Coordinating Council, Gubernatorial Nominee, LEONARD LICINA, for a term to expire June 30, 2016, was referred to the Committee on Health.

Gov. Msg. No. 791, submitting for consideration and confirmation to the Statewide Health Coordinating Council, Gubernatorial Nominee, CHRISTOPHER SIBLEY, for a term to expire June 30, 2013, was referred to the Committee on Health.

Gov. Msg. No. 792, submitting for consideration and confirmation to the Statewide Health Coordinating Council, Gubernatorial Nominee, CLINTON YEE, for a term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 793, submitting for consideration and confirmation to the Board of Directors of the High Technology Innovation Corporation, Gubernatorial Nominee, BERNICE BOWERS, for a term to expire June 30, 2014, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 794, submitting for consideration and confirmation to the Hawai'i Historic Places Review Board, Gubernatorial Nominee, WILLIAM CHAPMAN, for a term to expire June 30, 2016, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 795, submitting for consideration and confirmation to the Hawai'i Historic Places Review Board, Gubernatorial Nominee, THOMAS LIM, for a term to expire June 30, 2016, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 796, submitting for consideration and confirmation to the Hawai'i Historic Places Review Board, Gubernatorial Nominee, LORRAINE PALUMBO, for a term to expire June 30, 2016, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 797, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Strategic Development Corporation, Gubernatorial Nominee, JAMES MOONIER, for a term to expire June 30, 2016, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 798, submitting for consideration and confirmation to the Hoisting Machine Operators Advisory Board, Gubernatorial Nominee, TRISTAN ALDEGUER, for a term to expire June 30, 2016, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 799, informing the Senate that on March 8, 2012, the Governor withdrew KATHRYN HARTER, Gubernatorial Nominee to the Health Planning Council, Hawai'i County Subarea, from consideration by the Senate (Gov. Msg. No. 692), was placed on file.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 76 and 77) were read by the Clerk and were placed on file:

Dept. Com. No. 76, from the County Clerk, County of Hawai'i, dated February 24, 2012, transmitting Resolution No. 217-12, which was adopted by the Hawai'i County Council on February 15, 2012.

Dept. Com. No. 77, from the Hawaii Community Development Authority dated March 5, 2012, transmitting the Report of the Public Hearing on the request for Development Permit DP 1-11 for OM Kapiolani, pursuant to Act 251, SLH 2006.

HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 322) was read by the Clerk and was placed on file:

Hse. Com. No. 322, informing the Senate that on March 8, 2012, the House disagreed to the amendments proposed by the Senate to H.B. No. 461, H.D. 1 (S.D. 1).

JUDICIARY COMMUNICATION

The following communication from the Judiciary (Jud. Com. No. 5) was read by the Clerk and was placed on file:

Jud. Com. No. 5, dated March 6, 2012, transmitting a report relating to wire, oral, or electronic communications and reports concerning pen registers and trap and trace devices.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 74 to 89) were read by the Clerk and were deferred:

S.C.R. No. 74 "SENATE CONCURRENT RESOLUTION URGING THE COUNTIES TO PRESERVE PROPERTY TAX EXEMPTIONS FOR KULEANA LANDS."

Offered by: Senators Solomon, Galuteria, Kahele, Dela Cruz, Kidani.

S.C.R. No. 75 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND FINANCIAL AUDIT OF THE UNIVERSITY CLINICAL, EDUCATION AND RESEARCH ASSOCIATES, INC."

Offered by: Senators Tokuda, Kidani, Nishihara.

S.C.R. No. 76 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION TO ESTABLISH AN ELECTRONIC EDUCATIONAL RESOURCE PROGRAM FOR PUBLIC SCHOOL TEACHERS, ADMINISTRATORS, AND PROGRAM COORDINATORS."

Offered by: Senators Tokuda, Chun Oakland, Kidani.

S.C.R. No. 77 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND DEPARTMENT OF EDUCATION TO ESTABLISH A STATEWIDE RESOURCE DEVELOPMENT PROGRAM TO ASSIST THE COMPLEX AREAS IN CREATING ENDOWMENTS TO BENEFIT HAWAII'S PUBLIC SCHOOLS."

Offered by: Senators Tokuda, Chun Oakland, Kidani, Taniguchi.

S.C.R. No. 78 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO REQUIRE EACH SCHOOL

COMMUNITY COUNCIL TO REVIEW ITS SCHOOL'S ATTENDANCE POLICY, CREATE BENCHMARKS TO IMPROVE ATTENDANCE, AND DEVELOP AN IMPLEMENTATION PLAN TO MEET THOSE BENCHMARKS."

Offered by: Senators Tokuda, Chun Oakland, Kidani, Nishihara.

S.C.R. No. 79 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND DEPARTMENT OF EDUCATION TO COLLABORATE WITH PARENT ORGANIZATIONS TO ESTABLISH, IMPLEMENT, AND MONITOR STATEWIDE POLICIES FOR FAMILY ENGAGEMENT IN HAWAII'S PUBLIC SCHOOLS."

Offered by: Senators Tokuda, Chun Oakland, Kidani, Nishihara.

S.C.R. No. 80 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT RESEARCH ON THE CORRELATION BETWEEN CHILDREN WHO ARE LATE-BORN AND THE HIGH SCHOOL DROP OUT RATE."

Offered by: Senators Tokuda, Kidani, Nishihara.

S.C.R. No. 81 "SENATE CONCURRENT RESOLUTION URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO ENTER INTO PUBLIC-PRIVATE PARTNERSHIPS TO MODERNIZE DILAPIDATED FEDERAL PUBLIC HOUSING PROJECTS."

Offered by: Senator Dela Cruz.

S.C.R. No. 82 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS AND THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO DEVELOP A TEN-YEAR ATTRITION AND DEVELOPMENT PLAN FOR EMPLOYEES OF THE STATE."

Offered by: Senator Dela Cruz.

S.C.R. No. 83 "SENATE CONCURRENT RESOLUTION REQUESTING THE REVIEW AND IDENTIFICATION OF STATE FUNDS OR HOLDINGS THAT MAY BE APPROPRIATE FOR OPENING ACCOUNTS IN SMALL LOCAL FINANCIAL INSTITUTIONS AND DEVELOPMENT OF A PROCUREMENT PROCESS TO SELECT INSTITUTIONS TO RECEIVE STATE FUNDS FOR INVESTMENT FOR A LIMITED TIME."

Offered by: Senator Dela Cruz.

S.C.R. No. 84 "SENATE CONCURRENT RESOLUTION URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO APPLY FOR A CHOICE NEIGHBORHOODS GRANT."

Offered by: Senator Dela Cruz.

S.C.R. No. 85 "SENATE CONCURRENT RESOLUTION URGING THE ADOPTION OF LAWS TO REQUIRE WRITTEN PERMISSION FROM THE LANDOWNER IN ORDER TO HUNT ON PRIVATE LANDS AND TO DEFINE PLACES OF FORMAL HUNTING."

Offered by: Senator Dela Cruz.

S.C.R. No. 86 "SENATE CONCURRENT RESOLUTION REQUESTING A MEMORANDUM OF AGREEMENT BETWEEN THE DEPARTMENT OF

EDUCATION AND AHA KAULEO KAIAPUNI HAWAII FOR DEVELOPMENT IN THE HAWAIIAN LANGUAGE OF THE READING, MATH, SCIENCE, AND OTHER ASSESSMENTS ADMINISTERED TO STUDENTS IN GRADES THREE THROUGH SIX OF THE DEPARTMENT OF EDUCATION'S HAWAIIAN LANGUAGE IMMERSION PROGRAM AND FORMAL ACKNOWLEDGMENT BY STATUTE OR RULE OF AHA KAULEO KAIAPUNI HAWAII"

Offered by: Senator Shimabukuro.

S.C.R. No. 87 "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE STATE'S FUNDING FOR EXISTING ESL PROGRAMS AND HAWAIIAN LANGUAGE PROGRAMS OFFERED IN HAWAII AND ANY DISPARITIES IN FUNDING FOR THE STATE'S TWO OFFICIAL LANGUAGES."

Offered by: Senator Shimabukuro.

S.C.R. No. 88 "SENATE CONCURRENT RESOLUTION ENCOURAGING BANKS AND CREDIT UNIONS OPERATING IN THE STATE OF HAWAII TO INCORPORATE THE HAWAIIAN LANGUAGE IN THEIR AUTOMATED TELLER MACHINES."

Offered by: Senators Galuteria, English, Kidani, Ryan, Baker, Chun Oakland, Espero, Gabbard, Green, Hee, Kahele, Kouchi, Wakai.

S.C.R. No. 89 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE MEASUREMENT STANDARDS BRANCH WITHIN THE DEPARTMENT OF AGRICULTURE."

Offered by: Senators Kim, Dela Cruz, Nishihara, Ige, Kahele, Kouchi.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 33 to 40) were read by the Clerk and were deferred:

S.R. No. 33 "SENATE RESOLUTION URGING THE COUNTIES TO PRESERVE PROPERTY TAX EXEMPTIONS FOR KULEANA LANDS."

Offered by: Senators Solomon, Galuteria, Kahele, Dela Cruz, Kidani.

S.R. No. 34 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT RESEARCH ON THE CORRELATION BETWEEN CHILDREN WHO ARE LATE-BORN AND THE HIGH SCHOOL DROP OUT RATE."

Offered by: Senators Tokuda, Kidani.

S.R. No. 35 "SENATE RESOLUTION URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO ENTER INTO PUBLIC-PRIVATE PARTNERSHIPS TO MODERNIZE DILAPIDATED FEDERAL PUBLIC HOUSING PROJECTS."

Offered by: Senator Dela Cruz.

S.R. No. 36 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS AND THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO DEVELOP A TEN-YEAR ATTRITION AND DEVELOPMENT PLAN FOR EMPLOYEES OF THE STATE."

Offered by: Senator Dela Cruz.

S.R. No. 37 "SENATE RESOLUTION REQUESTING THE REVIEW AND IDENTIFICATION OF STATE FUNDS OR HOLDINGS THAT MAY BE APPROPRIATE FOR OPENING ACCOUNTS IN SMALL LOCAL FINANCIAL INSTITUTIONS AND DEVELOPMENT OF A PROCUREMENT PROCESS TO SELECT INSTITUTIONS TO RECEIVE STATE FUNDS FOR INVESTMENT FOR A LIMITED TIME."

Offered by: Senator Dela Cruz.

S.R. No. 38 "SENATE RESOLUTION URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO APPLY FOR A CHOICE NEIGHBORHOODS GRANT."

Offered by: Senator Dela Cruz.

S.R. No. 39 "SENATE RESOLUTION URGING THE ADOPTION OF LAWS TO REQUIRE WRITTEN PERMISSION FROM THE LANDOWNER IN ORDER TO HUNT ON PRIVATE LANDS AND TO DEFINE PLACES OF FORMAL HUNTING."

Offered by: Senator Dela Cruz.

S.R. No. 40 "SENATE RESOLUTION ENCOURAGING BANKS AND CREDIT UNIONS OPERATING IN THE STATE OF HAWAII TO INCORPORATE THE HAWAIIAN LANGUAGE IN THEIR AUTOMATED TELLER MACHINES."

Offered by: Senators Galuteria, English, Kidani, Ryan, Baker, Chun Oakland, Espero, Gabbard, Green, Hee, Kahele, Kouchi, Wakai.

STANDING COMMITTEE REPORT

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 2812), recommending that S.C.R. No. 12 be referred to the Committee on Ways and Means.

On motion by Senator Galuteria, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 12, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT LAHAINA, MAUI, FOR MAINTENANCE AND REPAIR OF EXISTING DECK AND IMPROVEMENTS," was referred to the Committee on Ways and Means.

At this time, Senator Gabbard invited the members to participate in Capitol Idol 2012, a talent show to raise funds for the Hawai'i Foodbank.

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 today."

ADJOURNMENT

At 12:08 p.m., on motion by Senator Galuteria, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Monday, March 12, 2012.