

THIRTIETH DAY

Tuesday, March 13, 2012

The Senate of the Twenty-Sixth Legislature of the State of Hawai'i, Regular Session of 2012, convened at 11:39 a.m. with the President in the Chair.

The Roll was called showing all Senators present.

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

At this time, Senator Ryan introduced members of the Kailua Senior Citizens Club who were seated in the gallery.

Senator Kouchi introduced the Kaua'i Community College contingent seated in the gallery including Student Government Advisor John Constantino and student government members Nelson Batalion, Dasha Acosta, and Lyle Ueunten.

Senator Tokuda commemorated the 100th anniversary of the Girl Scouts of America and the 95th anniversary of the Girl Scouts of Hawai'i. Representing the Girl Scouts of Hawai'i were Executive Director Gail Mukaihata Hanneman, Chair of the Board of Directors Bonnie Rice, Troop Leader Gail Watanabe, Kelsi Watanabe of Troop 611, and Rachel Watanabe of Troop 289, as well as other Girl Scouts, Daisies, and Brownies who were seated in the gallery.

Senator Baker recognized and congratulated the University of Hawai'i Commission on the Status of Women on its 25th anniversary. Representing the Commission were University of Hawai'i System President M.R.C. Greenwood, Director of Government Relations Stephanie Kim, Assistant to the Vice Chancellor for Students Jackie Graessle, and Professor of Cooperative Education Diane Caulfield. Also recognized were commissioners Joyce Chun, Irma Kaneshiro, Debra Ishii, Tammy Kuniyoshi, and Wendy Sora who were seated in the gallery.

Senator Kidani commemorated the 40th anniversary of the enactment of Title IX, the Patsy T. Mink Equal Opportunity in Education Act, and recognized members of Congresswoman Mink's family who were present for the observance: Congresswoman Mink's brother Eugene Takemoto, his wife Frances, and their daughter Jo Ann Kagawa. Senator Kidani also introduced Congresswoman Mink's long-time former staff members Jim Manke, Joan Manke, and Linnie Pascual who were seated in the gallery.

Also recognized were five distinguished women who have benefitted from and advocated for Title IX:

Senator Ryan introduced Marilyn Moniz-Kahooohanohano, Assistant Athletic Director and Senior Women's Administrator at UH Mānoa;

Senator Solomon introduced Jill Nunokawa, Civil Rights Specialist, UH Mānoa;

Senator Shimabukuro introduced the Honorable Sabrina McKenna, Associate Justice, Hawai'i Supreme Court;

Senator Kouchi introduced Jennifer Solidum Rose, Gender Equity Specialist, UH Mānoa; and

Senator Fukunaga introduced Catherine Betts, Executive Director of the Hawai'i State Commission on the Status of Women.

Senator Hee congratulated Norman Chow for being named the head coach of the University of Hawai'i at Mānoa football team. Coach Chow was accompanied by several members of the Athletics Department including Athletics Director Jim

Donovan, Associate Athletics Director and Senior Women's Administrator Marilyn Moniz-Kahooohanohano, Associate Athletics Director Carl Clapp, Associate Athletics Director-External Affairs John McNamara, Assistant Athletics Director-Facilities/Events Teri Chang, Defensive Coordinator Thom Kaumeyer, Baseball Head Coach Mike Trapasso, Track & Field Coach Carmyn James, Associate Women's Volleyball Coach Scott Wong, Women's Tennis Head Coach Jun Hernandez, Men's Volleyball Head Coach Charlie Wade, and Softball Head Coach Bob Coolen.

At 12:18 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:28 p.m.

MESSAGE FROM THE GOVERNOR

The following message from the Governor (Gov. Msg. No. 228) was read by the Clerk and was placed on file:

Gov. Msg. No. 228, dated March 8, 2012, transmitting the Hawaii Health Systems Corporation Annual Audit and Report for FY 2011, pursuant to Section 323F-22, HRS.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 323 and 324) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 323, transmitting H.B. No. 1800, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 1800, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading by title and was deferred.

Hse. Com. No. 324, transmitting H.B. No. 2012, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 2012, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed First Reading by title and was deferred.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 103 to 108) were read by the Clerk and were deferred:

S.C.R. No. 103 "SENATE CONCURRENT RESOLUTION REQUESTING THE SUPERINTENDENT OF EDUCATION TO ESTABLISH A TASK FORCE TO ASSESS THE POSSIBILITY OF ALLOWING ACCESS TO CONDOMS ON SCHOOL CAMPUSES IN HAWAII."

Offered by: Senators Chun Oakland, Ige.

S.C.R. No. 104 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION TO MAINTAIN, MONITOR, AND ENFORCE ANTI-BULLYING, ANTI-CYBERBULLYING, AND ANTI-HARASSMENT POLICIES AND PROCEDURES TO PROTECT PUBLIC AND CHARTER SCHOOL STUDENTS."

Offered by: Senators Kidani, Baker, Chun Oakland, Galuteria, Green, Ryan, Tokuda, Dela

Cruz, English, Gabbard, Ihara, Kouchi, Slom, Solomon, Taniguchi.

S.C.R. No. 105 "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF THE EXECUTIVE OFFICE ON AGING TO ESTABLISH THE LONG-TERM CARE FINANCING TASK FORCE TO ASSESS THE FEASIBILITY OF ESTABLISHING A MODEST, PUBLIC, LONG-TERM CARE INSURANCE PROGRAM IN HAWAII."

Offered by: Senators Chun Oakland, Baker, Dela Cruz, English, Espero, Fukunaga, Galuteria, Green, Kidani.

S.C.R. No. 106 "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO VOTE IN FAVOR OF H.R. 2148, 112TH CONGRESS, FIRST SESSION, TO EXTEND MILITARY COMMISSARY AND EXCHANGE STORE PRIVILEGES TO VETERANS WITH A COMPENSABLE SERVICE-CONNECTED DISABILITY AND THEIR DEPENDENTS."

Offered by: Senators Chun Oakland, Green, Shimabukuro, Espero, Galuteria, Ihara, Wakai.

S.C.R. No. 107 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A GOVERNOR'S SPECIAL TASK FORCE ON HAWAIIAN HISTORICAL SITES PRESERVATION."

Offered by: Senators Solomon, Chun Oakland, Slom.

S.C.R. No. 108 "SENATE CONCURRENT RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO REVIEW THE ACCUMULATION OF CAPITAL RESERVES AND SURPLUS OF MANAGED CARE PLANS WHEN REVIEWING RATE FILINGS."

Offered by: Senators Solomon, Dela Cruz, Galuteria, Kahele, Kim, Kouchi.

SENATE RESOLUTIONS

The following resolution (S.R. Nos. 50 to 52) were read by the Clerk and were deferred:

S.R. No. 50 "SENATE RESOLUTION REQUESTING THE DIRECTOR OF THE EXECUTIVE OFFICE ON AGING TO ESTABLISH THE LONG-TERM CARE FINANCING TASK FORCE TO ASSESS THE FEASIBILITY OF ESTABLISHING A MODEST, PUBLIC, LONG-TERM CARE INSURANCE PROGRAM IN HAWAII."

Offered by: Senators Chun Oakland, Baker, Dela Cruz, English, Espero, Fukunaga, Galuteria, Green, Kidani.

S.R. No. 51 "SENATE RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A GOVERNOR'S SPECIAL TASK FORCE ON HAWAIIAN HISTORICAL SITES PRESERVATION."

Offered by: Senators Solomon, Chun Oakland, Slom.

S.R. No. 52 "SENATE RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO REVIEW THE ACCUMULATION OF CAPITAL RESERVES AND SURPLUS OF MANAGED CARE PLANS WHEN REVIEWING RATE FILINGS."

Offered by: Senators Solomon, Dela Cruz, Galuteria, Kahele, Kim, Kouchi.

STANDING COMMITTEE REPORTS

Senator Espero, for the Committee on Public Safety, Government Operations and Military Affairs, presented a report (Stand. Com. Rep. No. 2815) recommending that the Senate advise and consent to the nominations to the Advisory Board on Veterans' Services of the following:

CAROLLE BRULEE-WILSON, in accordance with Gov. Msg. No. 576;

WILBERT PEREIRA, in accordance with Gov. Msg. No. 577; and

ANN GREENLEE, in accordance with Gov. Msg. No. 578.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2815 and Gov. Msg. Nos. 576, 577, and 578 was deferred until Wednesday, March 14, 2012.

Senator Espero, for the Committee on Public Safety, Government Operations and Military Affairs, presented a report (Stand. Com. Rep. No. 2816) recommending that the Senate advise and consent to the nominations to the Procurement Policy Board of the following:

GREGORY KING, in accordance with Gov. Msg. No. 570;

KATHY SUZUKI-KITAGAWA, in accordance with Gov. Msg. No. 571;

DAVID LANGILLE, in accordance with Gov. Msg. No. 572;

RONALD HIRANO, in accordance with Gov. Msg. No. 573;

HOWARD GARVAL, in accordance with Gov. Msg. No. 574; and

DOUGLAS MURDOCK, in accordance with Gov. Msg. No. 575.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2816 and Gov. Msg. Nos. 570, 571, 572, 573, 574, and 575 was deferred until Wednesday, March 14, 2012.

Senator Espero, for the Committee on Public Safety, Government Operations and Military Affairs, presented a report (Stand. Com. Rep. No. 2817) recommending that the Senate advise and consent to the nominations to the Civil Defense Advisory Council of the following:

RICHARD MINATOYA, in accordance with Gov. Msg. No. 568; and

WILLIAM ANONSEN, in accordance with Gov. Msg. No. 569.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2817 and Gov. Msg. Nos. 568 and 569 was deferred until Wednesday, March 14, 2012.

Senator Espero, for the Committee on Public Safety, Government Operations and Military Affairs, presented a report (Stand. Com. Rep. No. 2818) recommending that the Senate advise and consent to the nomination of ERIC CLARK to the Hawai'i Aerospace Advisory Committee, in accordance with Gov. Msg. No. 567.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2818 and Gov. Msg. No. 567 was deferred until Wednesday, March 14, 2012.

Senator Espero, for the Committee on Public Safety, Government Operations and Military Affairs, presented a report (Stand. Com. Rep. No. 2819) recommending that the Senate

advise and consent to the nominations to the Wireless Enhanced 911 Board of the following:

MARK BEGLEY, in accordance with Gov. Msg. No. 579;
 KIMAN WONG, in accordance with Gov. Msg. No. 580;
 SU SHIN, in accordance with Gov. Msg. No. 581;
 ROY IREI, in accordance with Gov. Msg. No. 582;
 JOHN THOMPSON, in accordance with Gov. Msg. No. 583;
 STEVEN SCHUTTE, in accordance with Gov. Msg. No. 584;
 CLAYTON TOM, in accordance with Gov. Msg. No. 596;
 VICTOR RAMOS, in accordance with Gov. Msg. No. 597;
 and
 MARSHALL KANEHAILUA, in accordance with Gov. Msg. No. 599.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2819 and Gov. Msg. Nos. 579, 580, 581, 582, 583, 584, 596, 597, and 599 was deferred until Wednesday, March 14, 2012.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2820) recommending that the Senate advise and consent to the nominations to the Commission on Fatherhood of the following:

S. BRUCE BERGER, in accordance with Gov. Msg. No. 676;
 CARL MAKINO, in accordance with Gov. Msg. No. 677;
 DARRIN SATO, in accordance with Gov. Msg. No. 678;
 and
 WALTER YOSHIMITSU, in accordance with Gov. Msg. No. 679.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2820 and Gov. Msg. Nos. 676, 677, 678, and 679 was deferred until Wednesday, March 14, 2012.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2821) recommending that the Senate advise and consent to the nomination of BEVERLY JEAN WITHINGTON to the Policy Advisory Board for Elder Affairs, in accordance with Gov. Msg. No. 630.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2821 and Gov. Msg. No. 630 was deferred until Wednesday, March 14, 2012.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2822) recommending that the Senate advise and consent to the nominations to the State Rehabilitation Council of the following:

VIVIAN LANDRUM, in accordance with Gov. Msg. No. 533;
 ARTHUR CABANILLA, in accordance with Gov. Msg. No. 534;
 FRANCINE KENYON, in accordance with Gov. Msg. No. 535;
 GUY TAJIRI, in accordance with Gov. Msg. No. 536;

FINIA KACHITA, in accordance with Gov. Msg. No. 537;
 and

BRANDON MORITA, in accordance with Gov. Msg. No. 593.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2822 and Gov. Msg. Nos. 533, 534, 535, 536, 537, and 593 was deferred until Wednesday, March 14, 2012.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2823) recommending that the Senate advise and consent to the nominations to the State Council on Developmental Disabilities of the following:

SARAH AHINA, in accordance with Gov. Msg. No. 631;
 BEN DALAUIDAO, in accordance with Gov. Msg. No. 632;
 SOL RAY DUNCAN, in accordance with Gov. Msg. No. 633;
 MELISSA GIBO, in accordance with Gov. Msg. No. 634;
 LOUISE IWAISHI, in accordance with Gov. Msg. No. 635;
 APRIL MIRA, in accordance with Gov. Msg. No. 636;
 PATRICIA NISHIMOTO, in accordance with Gov. Msg. No. 637;
 THERESA OCTAVIO, in accordance with Gov. Msg. No. 638;
 PAMELA RICE, in accordance with Gov. Msg. No. 639;
 JOSHUA SMALLEY-BOWER, in accordance with Gov. Msg. No. 640; and
 CHRISTOPHER TOYAMA, in accordance with Gov. Msg. No. 641.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2823 and Gov. Msg. Nos. 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, and 641 was deferred until Wednesday, March 14, 2012.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 2824), recommending that S.C.R. No. 18 be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 18, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 593 KULIOUOU ROAD, HONOLULU, HAWAII," was referred to the Committee on Ways and Means.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 2825), recommending that S.C.R. No. 19 be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 19, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 619 KULIOUOU ROAD, HONOLULU, HAWAII," was referred to the Committee on Ways and Means.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 2826), recommending that S.C.R. No. 20 be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 20, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 644 HOKIOKIO PLACE, HONOLULU, HAWAII," was referred to the Committee on Ways and Means.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 2827), recommending that S.C.R. No. 21 be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 21, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 2314 10TH AVENUE, HONOLULU, HAWAII," was referred to the Committee on Ways and Means.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 2828), recommending that S.C.R. No. 22 be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 22, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 41-557 KAMANAAINA PLACE, WAIMANALO, HAWAII," was referred to the Committee on Ways and Means.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 2829), recommending that S.C.R. No. 23 be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 23, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 2949 ALA ILIMA STREET, NO. 303, HONOLULU, HAWAII," was referred to the Committee on Ways and Means.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 2830), recommending that S.C.R. No. 24 be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 24, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-031 KUAHELANI AVENUE, NO. 242, MILILANI, HAWAII," was referred to the Committee on Ways and Means.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 2831), recommending that S.C.R. No. 25 be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 25, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-017 KUAHELANI AVENUE, NO. 321, MILILANI, HAWAII," was referred to the Committee on Ways and Means.

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

RE-REFERRAL OF HOUSE BILLS

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

H.B. No.:	Re-referred to:
H.B. No. 1398, H.D. 1	Jointly to the Committee on Human Services and the Committee on Water, Land, and Housing and the Committee on Public Safety, Government Operations, and Military Affairs, then to the Committee on Ways and Means
H.B. No. 1874	Jointly to the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Health, then to the Committee on Ways and Means
H.B. No. 2227, H.D. 1	Committee on Health, then jointly to the Committee on Judiciary and Labor and the Committee on Ways and Means
H.B. No. 2274, H.D. 2	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means
H.B. No. 2324, H.D. 2	Jointly to the Committee on Economic Development and Technology and the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means
H.B. No. 2359, H.D. 2	Jointly to the Committee on Commerce and Consumer Protection and the Committee on Economic Development and Technology, then to the Committee on Ways and Means
H.B. No. 2458	Committee on Judiciary and Labor
H.B. No. 2776, H.D. 2	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means
H.B. No. 2798, H.D. 3	Jointly to the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Judiciary and Labor and the Committee on Health, then to the Committee on Ways and Means

At this time, Senator Slom rose to speak on a point of personal privilege as follows:

"Mr. President, colleagues, I was both saddened and angered this morning to see the headline on the front page of the newspaper that a \$100,000 settlement had been paid by the taxpayers of the State of Hawai'i to the professional agitator and protestor Mr. Mitch Kahle, who came here to the Senate Chamber on several occasions with video camera in an orchestrated effort to disrupt this body. I, more than most, stand for free speech and the right to protest, but what was done in the name of free speech was far beyond that—it violated the decorum, the order, and the dignity and courtesy for guests in our chamber. And the fact that we would pay this, to me, is

outrageous. I understand the situations where an attorney will tell you it's just not worth it in terms of cost because if we go on with this or we appeal a particular action, it's going to cost a great deal of money, but Mr. President, I would suggest that there are great principles at stake that have great value and cannot be assessed in monetary cost, and I would submit that this is one of those areas. First of all, standing behind our members and staff and the people of Hawai'i and to allow this judgment to stand and pay this money, I think, is unconscionable. Thank you, Mr. President."

ADJOURNMENT

At 12:33 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Wednesday, March 14, 2012.