

## THIRTY-FIFTH DAY

## Tuesday, March 20, 2012

The Senate of the Twenty-Sixth Legislature of the State of Hawai'i, Regular Session of 2012, convened at 11:34 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 Thirty-Fourth Day.

At this time, Senator Green introduced the following members of the Hawaii Chapter of the American Physical Therapy Association (HAPTA): President Art Lum, Legislative Chair Ann Frost, and Legislative Committee members Elisa Nakama and Shannon Lau.

Senator Tokuda introduced 47 students from the 2012 TeenPact Leadership Program who were seated in the gallery with staff members Vince Randazzo of Florida, Thomas McGuire of South Carolina, Valen Caldwell of Arkansas, Joy Gebert of Ohio, Stephen Blunk of Missouri, Lauren Smith of Georgia, Allie Murakami of Hawai'i, TeenPact CEO Mr. Peter Martin, and Hawai'i TeenPact State Coordinator Robin Metcalf.

Senator Shimabukuro congratulated *Westside Stories* and its publishers, Dr. Steven Olbrich and Mrs. Janice Olbrich, on the community newspaper's 14th anniversary.

Senator Dela Cruz recognized Jackson Button, an eighth-grade student at Hawaii Technology Academy and recipient of the 2012 Prudential Spirit of Community Award. Mr. Button was accompanied by his parents Mark and Diana Button, his sister Hannah, and his hanai aunt Linda Polasek.

Senator Green recognized Candonino Agusen, a junior at Kealakehe High School and recipient of the 2012 Prudential Spirit of Community Award. Mr. Agusen was accompanied by his parents Nicole and Kevin Charlton, and June Moore.

Senator Green also recognized Scott Fetz, a sophomore at Hawai'i Preparatory Academy and Distinguished Finalist for the 2012 Prudential Spirit of Community Award. Mr. Fetz was accompanied by his parents Norma and Lloyd Fetz.

Senator Espero recognized Jessica Sonson, a senior at Lanakila Baptist High School and Distinguished Finalist for the 2012 Prudential Spirit of Community Award. Ms. Sonson was accompanied by her mother Christie, sister Crystal, National Honor Society advisor Wendy Stevens, and Madison Stevens.

Senator Dela Cruz welcomed Todd Thakar, Vice President of Government Affairs for Prudential Financial.

At 11:49 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 a.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 230, 824 to 862, and 1107 to 1108) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 230, dated March 5, 2012, transmitting the State of Hawaii Comprehensive Annual Financial Report for the fiscal year ended June 30, 2011, prepared by the Department of Accounting and General Services pursuant to Section 40-5, HRS, was placed on file.

Gov. Msg. No. 824, informing the Senate that on March 19, 2012, the Governor withdrew DAVID YEWE, Gubernatorial

Nominee to the Emergency Medical Services Advisory Committee, from consideration by the Senate (Gov. Msg. No. 805), was placed on file.

Gov. Msg. No. 825, informing the Senate that on March 19, 2012, the Governor withdrew HARRIS NAKAMOTO, Gubernatorial Nominee to the Board of Directors of the Hawai'i Health Connector, from consideration by the Senate (Gov. Msg. No. 627), was placed on file.

Gov. Msg. No. 826, submitting for consideration and confirmation to the Board of Agriculture, the nomination of LYNN DECOITE, term to expire June 30, 2016, was referred to the Committee on Agriculture.

Gov. Msg. No. 827, submitting for consideration and confirmation to the Board of Agriculture, the nomination of GLENN HONG, term to expire June 30, 2016, was referred to the Committee on Agriculture.

Gov. Msg. No. 828, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Health Connector, the nomination of HARDY SPOEHR, term to expire June 30, 2015, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 829, submitting for consideration and confirmation to the State Board of Chiropractic Examiners, the nomination of LAWRENCE REDMOND, term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 830, submitting for consideration and confirmation to the Contractors License Board, the nomination of GUY AKASAKI, term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 831, submitting for consideration and confirmation to the Contractors License Board, the nomination of TYRUS KAGAWA, term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 832, submitting for consideration and confirmation to the Contractors License Board, the nomination of KENT MATSUZAKI, term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 833, submitting for consideration and confirmation to the Contractors License Board, the nomination of DARYL SUEHIRO, term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 834, submitting for consideration and confirmation to the Board of Physical Therapy, the nomination of KEVIN LYE, term to expire June 30, 2015, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 835, submitting for consideration and confirmation to the Board of Private Detectives and Guards, the nomination of RAY GALAS, term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 836, submitting for consideration and confirmation to the Board of Private Detectives and Guards, the nomination of DOUGLAS INOUE, term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 837, submitting for consideration and confirmation to the Real Estate Commission, the nomination of BRUCE FAULKNER, term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 838, submitting for consideration and confirmation to the Western Interstate Commission for Higher Education, the nomination of FRANCISCO HERNANDEZ, term to expire June 30, 2013, was referred to the Committee on Education.

Gov. Msg. No. 839, submitting for consideration and confirmation to the Western Interstate Commission for Higher Education, the nomination of CAROL MON LEE, term to expire June 30, 2016, was referred to the Committee on Education.

Gov. Msg. No. 840, submitting for consideration and confirmation to the Early Learning Council, the nomination of PAMELA PERKINS, term to expire June 30, 2014, was referred to the Committee on Human Services.

Gov. Msg. No. 841, submitting for consideration and confirmation to the Board of Registration of the Islands of Maui, Moloka'i, Lana'i, and Kaho'olawe, the nomination of BRANDON STARR, term to expire June 30, 2016, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 842, submitting for consideration and confirmation to the Board of Registration of the Islands of Maui, Moloka'i, Lana'i, and Kaho'olawe, the nomination of GENNARO ZARRO, JR., term to expire June 30, 2016, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 843, submitting for consideration and confirmation to the Language Access Advisory Council, the nomination of MELBA BANTAY, term to expire June 30, 2016, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 844, submitting for consideration and confirmation to the Language Access Advisory Council, the nomination of JENNIFER DOTSON, term to expire June 30, 2015, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 845, submitting for consideration and confirmation to the Language Access Advisory Council, the nomination of MARGARITA HOPKINS, term to expire June 30, 2016, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 846, submitting for consideration and confirmation to the Language Access Advisory Council, the nomination of DOMINIC INOCELDA, term to expire June 30, 2016, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 847, submitting for consideration and confirmation to the Language Access Advisory Council, the nomination of GERALD OHTA, term to expire June 30, 2016, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 848, submitting for consideration and confirmation to the Language Access Advisory Council, the nomination of MARY SANTA MARIA, term to expire June 30, 2016, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 849, submitting for consideration and confirmation to the Medical Advisory Board, the nomination of DENNIS CROWLEY, term to expire June 30, 2015, was referred to the Committee on Transportation and International Affairs.

Gov. Msg. No. 850, submitting for consideration and confirmation to the State Highway Safety Council, the nomination of EDWARD HIRATA, term to expire June 30,

2016, was referred to the Committee on Transportation and International Affairs.

Gov. Msg. No. 851, submitting for consideration and confirmation to the State Highway Safety Council, the nomination of GORDON HONG, term to expire June 30, 2015, was referred to the Committee on Transportation and International Affairs.

Gov. Msg. No. 852, submitting for consideration and confirmation to the State Highway Safety Council, the nomination of JUSTIN KOLLAR, term to expire June 30, 2016, was referred to the Committee on Transportation and International Affairs.

Gov. Msg. No. 853, submitting for consideration and confirmation to the State Highway Safety Council, the nomination of MITCHELL ROTH, term to expire June 30, 2016, was referred to the Committee on Transportation and International Affairs.

Gov. Msg. No. 854, submitting for consideration and confirmation to the State Highway Safety Council, the nomination of MARK SCRIBNER, term to expire June 30, 2015, was referred to the Committee on Transportation and International Affairs.

Gov. Msg. No. 855, submitting for consideration and confirmation to the State Highway Safety Council, the nomination of JAN YOKOYAMA, term to expire June 30, 2016, was referred to the Committee on Transportation and International Affairs.

Gov. Msg. No. 856, submitting for consideration and confirmation to the Hawai'i Sister State Committee, the nomination of ROMY CACHOLA, term to expire June 30, 2014, was referred to the Committee on Transportation and International Affairs.

Gov. Msg. No. 857, submitting for consideration and confirmation to the Hawai'i Sister State Committee, the nomination of JILL CANFIELD, term to expire June 30, 2015, was referred to the Committee on Transportation and International Affairs.

Gov. Msg. No. 858, submitting for consideration and confirmation to the Hawai'i Sister State Committee, the nomination of JOSEPH TANAKA, term to expire June 30, 2015, was referred to the Committee on Transportation and International Affairs.

Gov. Msg. No. 859, submitting for consideration and confirmation to the Kahana Valley Living Park Planning Council, the nomination of DANIELLE BEIRNE-KEAWE, term to expire June 30, 2016, was referred to the Committee on Water, Land, and Housing.

Gov. Msg. No. 860, submitting for consideration and confirmation to the Natural Area Reserves System Commission, the nomination of TRAE MENARD, term to expire June 30, 2016, was referred to the Committee on Water, Land, and Housing.

Gov. Msg. No. 861, submitting for consideration and confirmation to the Natural Area Reserves System Commission, the nomination of ROBIN NEWBOLD, term to expire June 30, 2016, was referred to the Committee on Water, Land, and Housing.

Gov. Msg. No. 862, submitting for consideration and confirmation to the Natural Area Reserves System Commission, the nomination of JONATHAN PRICE, term to expire June 30, 2016, was referred to the Committee on Water, Land, and Housing.

Gov. Msg. No. 1107, informing the Senate that on March 19, 2012, the Governor signed into law House Bill No. 2437, H.D. 1 as Act 7, entitled: "RELATING TO ELECTIONS," was placed on file.

Gov. Msg. No. 1108, informing the Senate that on March 19, 2012, the Governor signed into law House Bill No. 2438, H.D. 2 as Act 8, entitled: "MAKING EMERGENCY APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," was placed on file.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 326 and 327) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 326, returning S.B. No. 2508, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on March 19, 2012, was placed on file.

By unanimous consent, action on S.B. No. 2508, S.D. 2, (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN REPORTING LAWS," was deferred until Wednesday, March 21, 2012.

Hse. Com. No. 327, returning S.B. No. 3024, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on March 19, 2012, was placed on file.

By unanimous consent, action on S.B. No. 3024, S.D. 1, (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," was deferred until Wednesday, March 21, 2012.

#### STANDING COMMITTEE REPORTS

Senators Espero and Chun Oakland, for the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 2847) recommending that H.B. No. 1765, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 1765, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR COUNTY EMPLOYEES," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2848) recommending that H.B. No. 1698 pass Second Reading and 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 H.B. No. 1698, entitled: "A BILL FOR AN ACT RELATING TO QUALIFIED COMMUNITY REHABILITATION PROGRAMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the majority of the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2849) recommending that H.B. No. 2501, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and H.B. No. 2501, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE LOAN ORIGINATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2850) recommending that H.B. No. 2644, H.D. 2, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2644, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2851) recommending that H.B. No. 2019, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2019, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGES," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2852) recommending that H.B. No. 2023 pass Second Reading and 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 H.B. No. 2023, entitled: "A BILL FOR AN ACT RELATING TO THE CENTER FOR NURSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2853) recommending that H.B. No. 2162, H.D. 1 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2162, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM COMMERCIAL CODE ARTICLE 9," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2854) recommending that H.B. No. 2736, H.D. 1 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2736, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROMOTION OF CONTROLLED SUBSTANCES," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Baker and Hee, for the Committee on Commerce and Consumer Protection and the Committee on Judiciary and Labor, presented a joint report (Stand. Com. Rep. No. 2855) recommending that H.B. No. 2375, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 2375, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MORTGAGE RESCUE FRAUD

PREVENTION ACT,” passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Hee, for the Committee on Commerce and Consumer Protection and the Committee on Judiciary and Labor, presented a joint report (Stand. Com. Rep. No. 2856) recommending that S.C.R. No. 53, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 53, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING COLLABORATION AMONG VARIOUS STATE AGENCIES TO IDENTIFY AND REMOVE BARRIERS RELATING TO WORKFORCE DATA SHARING AND NURSING PRACTICE IN THE STATE,” was referred to the Committee on Ways and Means.

Senator English, for the majority of the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 2857) recommending that H.B. No. 2277, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and H.B. No. 2277, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ALL-TERRAIN VEHICLES,” passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator English, for the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 2858) recommending that H.B. No. 2684, H.D. 2, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2684, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ZIPPER LANE,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 2859) recommending that H.B. No. 2319, H.D. 2, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2319, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT,” passed Second Reading and 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. 2860) recommending that H.B. No. 2819, H.D. 1, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2819, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY,” passed Second Reading and 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. 2861) recommending that H.B. No. 2871, H.D. 1 pass Second Reading and 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 H.B. No. 2871, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE WEST MAUI OCEAN RECREATION MANAGEMENT AREA,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2862) recommending that the Senate advise and consent to the nomination of LORRAINE AKIBA to the Public Utilities Commission, in accordance with Gov. Msg. No. 647.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2862 and Gov. Msg. No. 647 was deferred until Wednesday, March 21, 2012.

**ORDER OF THE DAY**

**THIRD READING**

H.B. No. 2769:

On motion by Senator Espero, seconded by Senator Kidani and carried, H.B. No. 2769, entitled: “A BILL FOR AN ACT RELATING TO ENHANCED 911 SERVICES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Shimabukuro).

Senator Dela Cruz, Chair of the Committee on Water, Land, and Housing, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. No. 1306, H.D. 2.

Senator Dela Cruz noted:

“I request a waiver of the notice requirement pursuant to Senate Rule 21 in order to hold a hearing on H.B. 1306, H.D. 2. H.B. 1306, H.D. 2 is related to housing.”

The Chair granted the waiver.

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.”

**RE-REFERRAL OF A HOUSE BILL**

The Chair re-referred the following House bill that was received:

H.B. No.:	Re-referred to:
H.B. No. 2819, H.D. 1, S.D. 1	Committee on Water, Land, and Housing, then jointly to the Committee on Judiciary and Labor and the Committee on Ways and Means

**ADJOURNMENT**

At 12:00 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Wednesday, March 21, 2012.