

## FIFTY-SIXTH DAY

## Wednesday, April 25, 2012

The Senate of the Twenty-Sixth Legislature of the State of Hawai'i, Regular Session of 2012, convened at 11:37 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 Fifty-Fifth Day.

At this time, Senator Solomon introduced her legislative intern Marcus Hoeflinger, a senior studying political science at the University of Hawai'i at Hilo, who was accompanied by his political science professor Dr. Todd Belt, head of the internship program at UH Hilo.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 925 and 1158 to 1173) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 925, letter dated April 24, 2012, correcting the term for the nomination to Gov. Msg. No. 580, gubernatorial nominee to the Wireless Enhanced 911 Board, KIMAN WONG, term to expire amended to June 30, 2013, was placed on file.

Gov. Msg. No. 1158, dated April 24, 2012, returning S.B. No. 650, H.D. 1, entitled: "PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE CONSTITUTION OF THE STATE OF HAWAII AUTHORIZING THE CHIEF JUSTICE OF THE STATE SUPREME COURT TO APPOINT RETIRED JUDGES TO SERVE AS EMERITUS JUDGES," as requested by the Legislature through S.C.R. No. 176, adopted on April 23, 2012, was placed on file.

Senator Hee moved that the Senate reconsider its action taken on April 13, 2012, in passing S.B. No. 650, H.D. 1 on Final Reading, seconded by Senator Espero.

Senator Hee noted:

"Mr. President, as you know, pursuant to Article 17, Section 3, of the Hawai'i State Constitution, the Legislature must give the Governor at least ten days' written notice of the final form of proposed amendments to the Constitution before Final Reading on bills proposing such amendments.

"Although notice of the final form of the proposed amendment contained in S.B. 650, H.D. 1 was transmitted to the Governor on April 10, despite my patient and understanding counsel, your strong-willed, iron-handed leadership and over-exuberance required the Senate to pass this measure on Final Reading before the required ten days' notice elapsed.

"By reconsidering our action this morning, our previous adoption, which you urged, of the measure on Final Reading is nullified and the measure is given status of a pending matter. The Senate, under your leadership, can then schedule Final Reading of the proposed constitutional amendment after the required ten days have elapsed."

The motion was put by the Chair and carried.

By unanimous consent, S.B. No. 650, H.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE CONSTITUTION OF THE STATE OF HAWAII AUTHORIZING THE CHIEF JUSTICE OF THE STATE SUPREME COURT TO APPOINT RETIRED JUDGES TO SERVE AS EMERITUS JUDGES,"

was placed on the calendar for Final Reading on Tuesday, May 1, 2012.

Gov. Msg. No. 1159, informing the Senate that on April 24, 2012, the Governor signed into law Senate Bill No. 2758, S.D. 1 as Act 58, entitled: "RELATING TO BUSINESS REGISTRATION," was placed on file.

Gov. Msg. No. 1160, informing the Senate that on April 24, 2012, the Governor signed into law House Bill No. 1772 as Act 59, entitled: "RELATING TO VIOLATION OF PRIVACY," was placed on file.

Gov. Msg. No. 1161, informing the Senate that on April 24, 2012, the Governor signed into law Senate Bill No. 2803, S.D. 2 as Act 60, entitled: "RELATING TO CONTRACT PROPOSALS FOR CHILD CARE," was placed on file.

Gov. Msg. No. 1162, informing the Senate that on April 24, 2012, the Governor signed into law Senate Bill No. 2772, S.D. 1 as Act 61, entitled: "RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," was placed on file.

Gov. Msg. No. 1163, informing the Senate that on April 24, 2012, the Governor signed into law Senate Bill No. 2796, S.D. 1 as Act 62, entitled: "RELATING TO DEATH BENEFITS," was placed on file.

Gov. Msg. No. 1164, informing the Senate that on April 24, 2012, the Governor signed into law Senate Bill No. 2774, S.D. 2, H.D. 1 as Act 63, entitled: "RELATING TO GOVERNMENT PUBLICATIONS," was placed on file.

Gov. Msg. No. 1165, informing the Senate that on April 24, 2012, the Governor signed into law House Bill No. 1874 as Act 64, entitled: "RELATING TO VOG," was placed on file.

Gov. Msg. No. 1166, informing the Senate that on April 24, 2012, the Governor signed into law House Bill No. 2410, H.D. 1 as Act 65, entitled: "RELATING TO THE MILITARY," was placed on file.

Gov. Msg. No. 1167, informing the Senate that on April 24, 2012, the Governor signed into law Senate Bill No. 2768, S.D. 1 as Act 66, entitled: "RELATING TO INSURANCE," was placed on file.

Gov. Msg. No. 1168, informing the Senate that on April 24, 2012, the Governor signed into law Senate Bill No. 2224, S.D. 1, H.D. 1 as Act 67, entitled: "RELATING TO THE TAX LIEN AND ENCUMBRANCE RECORD," was placed on file.

Gov. Msg. No. 1169, informing the Senate that on April 24, 2012, the Governor signed into law Senate Bill No. 2588, S.D. 1, H.D. 3 as Act 68, entitled: "RELATING TO LIMITATION OF ACTIONS," was placed on file.

Gov. Msg. No. 1170, informing the Senate that on April 24, 2012, the Governor signed into law Senate Bill No. 2877, S.D. 1, H.D. 1 as Act 69, entitled: "RELATING TO HARBORS FIREBOAT," was placed on file.

Gov. Msg. No. 1171, informing the Senate that on April 24, 2012, the Governor signed into law Senate Bill No. 2872, H.D. 1 as Act 70, entitled: "RELATING TO PROCUREMENT," was placed on file.

Gov. Msg. No. 1172, informing the Senate that on April 24, 2012, the Governor signed into law Senate Bill No. 2698, S.D. 1, H.D. 1 as Act 71, entitled: "RELATING TO THE INFORMATION PRIVACY AND SECURITY COUNCIL," was placed on file.

Gov. Msg. No. 1173, informing the Senate that on April 24, 2012, the Governor signed into law Senate Bill No. 2751, H.D. 1 as Act 72, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was placed on file.

At 11:41 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:45 a.m.

### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 669 to 677) were read by the Clerk and were placed on file:

Hse. Com. No. 669, returning S.C.R. No. 77, S.D. 1, which was adopted by the House of Representatives on April 24, 2012.

Hse. Com. No. 670, returning S.C.R. No. 79, which was adopted by the House of Representatives on April 24, 2012.

Hse. Com. No. 671, returning S.C.R. No. 80, S.D. 1, which was adopted by the House of Representatives on April 24, 2012.

Hse. Com. No. 672, returning S.C.R. No. 90, S.D. 1, which was adopted by the House of Representatives on April 24, 2012.

Hse. Com. No. 673, returning S.C.R. No. 120, S.D. 1, which was adopted by the House of Representatives on April 24, 2012.

Hse. Com. No. 674, returning S.C.R. No. 122, which was adopted by the House of Representatives on April 24, 2012.

Hse. Com. No. 675, informing the Senate that on April 24, 2012, the House reconsidered its action taken on April 12, 2012, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 46, H.D. 2 (S.D. 2);  
H.B. No. 468, H.D. 1 (S.D. 2); and  
H.B. No. 1777, H.D. 1 (S.D. 1).

Hse. Com. No. 676, informing the Senate that the House agreed to the amendments proposed by the Senate to the following House bills and said bills passed Final Reading in the House of Representatives on April 24, 2012:

H.B. No. 1695, S.D. 1;  
H.B. No. 1764, H.D. 1, S.D. 1;  
H.B. No. 2295, H.D. 1, S.D. 2; and  
H.B. No. 2584, H.D. 1, S.D. 1.

Hse. Com. No. 677, informing the Senate that on April 24, 2012, the House discharged all conferees to H.B. No. 1181, H.D. 1, (S.D. 1).

### CONFERENCE COMMITTEE REPORT

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2748, S.D. 1, presented a report (Conf. Com. Rep. No. 7-12) recommending that S.B. No. 2748, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 7-12 and S.B. No. 2748, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," was deferred for a period of 48 hours.

### STANDING COMMITTEE REPORTS

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3569) recommending that H.C.R. No. 32, H.D. 1 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3569 and H.C.R. No. 32, H.D. 1, entitled: "HOUSE CONCURRENT

RESOLUTION REQUESTING THE GOVERNOR'S OFFICE TO CONDUCT A STUDY ON THE EFFICACY OF COMBINING STATE GOVERNMENT HEALTH POLICY, PLANNING, AND PURCHASING IN A SINGLE AGENCY IN ORDER TO ADVANCE TRANSFORMATION OF HAWAII'S HEALTHCARE SYSTEM AND UNIVERSAL ACCESS TO CARE," was deferred until Thursday, April 26, 2012.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3570) recommending that S.R. No. 38, S.D. 1 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3570 and S.R. No. 38, S.D. 1, entitled: "SENATE RESOLUTION SUPPORTING THE HAWAII PUBLIC HOUSING AUTHORITY'S APPLICATION FOR A CHOICE NEIGHBORHOODS GRANT AND URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO SELECT THE HAWAII PUBLIC HOUSING AUTHORITY AS A CHOICE NEIGHBORHOODS GRANT RECIPIENT," was deferred until Thursday, April 26, 2012.

### ORDER OF THE DAY

#### AGREE/DISAGREE

#### MATTERS DEFERRED FROM TUESDAY, APRIL 24, 2012

S.C.R. No. 40, S.D. 1 (H.D. 1):

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 40, S.D. 1, and requested a conference on the subject matter thereof.

S.C.R. No. 49, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 49, S.D. 1, (H.D. 1), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO FORM A WORKING GROUP TO EXPEDITIOUSLY RESOLVE THE ISSUE OF ROADS IN LIMBO STATEWIDE," was deferred until Thursday, April 26, 2012.

S.C.R. No. 73 (H.D. 1):

By unanimous consent, action on S.C.R. No. 73, (H.D. 1), entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED NATIONS TO GRANT TAIWAN PARTICIPATION AS AN OBSERVER IN THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE CONFERENCE OF THE PARTIES," was deferred until Thursday, April 26, 2012.

S.C.R. No. 137, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 137, S.D. 1, (H.D. 1), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF AEROSPACE DEVELOPMENT TO DEVELOP AND PROMOTE A PARTNERSHIP IN AEROSPACE WITH THE STATE OF ALASKA TO EXPAND AND DIVERSIFY BOTH STATES' ECONOMIES AND THE UNITED STATES SPACE PROGRAM," was deferred until Thursday, April 26, 2012.

#### ADVISE AND CONSENT

#### MATTERS DEFERRED FROM FRIDAY, APRIL 20, 2012

Stand. Com. Rep. No. 3536 (Gov. Msg. Nos. 826 and 827):

Senator Nishihara moved that Stand. Com. Rep. No. 3536 be received and placed on file, seconded by Senator Kahele and carried.

Senator Nishihara then moved that the Senate advise and consent to the nominations to the Board of Agriculture of the following:

LYNN DECOITE, term to expire June 30, 2016 (Gov. Msg. No. 826); and

GLENN HONG, term to expire June 30, 2016 (Term amended to June 30, 2013 by Gov. Msg. No. 922) (Gov. Msg. No. 827),

seconded by Senator Kahele.

Senator Nishihara rose to speak in strong support of the nominees as follows:

“We received testimony in overwhelming support of the nominees to the Board of Agriculture, the Board of Directors of the Agribusiness Development Corporation, and the Advisory Committee on Pesticides. The nominees are eminently qualified to serve and will serve to protect and support our important agricultural industry. Thank you.”

Senator Solomon rose to speak in strong support of the nominee as follows:

“I, too, rise in strong support, and I would like to incorporate the previous speaker’s remarks as though they were my own.” (The Chair so ordered, by reference only.)

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3537 (Gov. Msg. Nos. 863, 864, and 865):

Senator Nishihara moved that Stand. Com. Rep. No. 3537 be received and placed on file, seconded by Senator Kahele and carried.

Senator Nishihara then moved that the Senate advise and consent to the nominations to the Board of Directors of the Agribusiness Development Corporation of the following:

PATRICK KOBAYASHI, term to expire June 30, 2016 (Gov. Msg. No. 863);

DEREK KURISU, term to expire June 30, 2015 (Gov. Msg. No. 864); and

LETITIA UYEHARA, term to expire June 30, 2016 (Gov. Msg. No. 865),

seconded by Senator Kahele.

Senator Nishihara rose to speak in strong support of the nominees as follows:

“We received testimony in overwhelming support of the nominees to the Board of Agriculture, the Board of Directors of the Agribusiness Development Corporation, and the Advisory Committee on Pesticides. The nominees are eminently qualified to serve and will serve to protect and support our important agricultural industry. Thank you.”

Senator Solomon rose to speak in strong support of the nominees as follows:

“I, too, rise in strong support, and I would like to incorporate the previous speaker’s remarks as though they were my own.” (The Chair so ordered, by reference only.)

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3538 (Gov. Msg. Nos. 873, 874, and 875):

Senator Nishihara moved that Stand. Com. Rep. No. 3538 be received and placed on file, seconded by Senator Kahele and carried.

Senator Nishihara then moved that the Senate advise and consent to the nominations to the Advisory Committee on Pesticides of the following:

PATRICK BILY, term to expire June 30, 2015 (Gov. Msg. No. 873);

QING XIAO LI, term to expire June 30, 2015 (Gov. Msg. No. 874); and

REBECCA CAROL TAYLOR, term to expire June 30, 2015 (Gov. Msg. No. 875),

seconded by Senator Kahele.

Senator Nishihara rose to speak in strong support of the nominees as follows:

“We received testimony in overwhelming support of the nominees to the Board of Agriculture, the Board of Directors of the Agribusiness Development Corporation, and the Advisory Committee on Pesticides. The nominees are eminently qualified to serve and will serve to protect and support our important agricultural industry. Thank you.”

Senator Solomon rose to speak in strong support of the nominees as follows:

“I, too, rise in strong support, and I would like to incorporate the previous speaker’s remarks as though they were my own.” (The Chair so ordered, by reference only.)

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At this time, Senator Nishihara introduced Lynn DeCoite and Glenn Hong, newly confirmed members of the Board of Agriculture; and Letitia Uyehara and Patrick Kobayashi, newly confirmed members of the Board of Directors of the Agribusiness Development Corporation.

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 3556 (Gov. Msg. No. 879):

Senator Tokuda moved that Stand. Com. Rep. No. 3556 be received and placed on file, seconded by Senator Kidani and carried.

Senator Tokuda then moved that the Senate advise and consent to the nomination of JAMES HASTINGS to the Hawai’i Medical Education Council, term to expire June 30, 2015, seconded by Senator Kidani.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3557 (Gov. Msg. Nos. 880, 881, 882, 883, 884, and 885):

Senator Tokuda moved that Stand. Com. Rep. No. 3557 be received and placed on file, seconded by Senator Kidani and carried.

Senator Tokuda then moved that the Senate advise and consent to the nominations to the Hawai'i Medical Education Council of the following:

GARY KAJIWARA, term to expire June 30, 2015 (Gov. Msg. No. 880);

VICKI MCMANUS, term to expire June 30, 2013 (Gov. Msg. No. 881);

KENNETH ROBBINS, term to expire June 30, 2013 (Gov. Msg. No. 882);

DARRYL SALVADOR, term to expire June 30, 2015 (Gov. Msg. No. 883);

SHARON VITOUSEK, term to expire June 30, 2013 (Gov. Msg. No. 884); and

PAULA YOSHIOKA, term to expire June 30, 2015 (Gov. Msg. No. 885),

seconded by Senator Kidani.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3558 (Gov. Msg. No. 906):

Senator Tokuda moved that Stand. Com. Rep. No. 3558 be received and placed on file, seconded by Senator Kidani and carried.

Senator Tokuda then moved that the Senate advise and consent to the nomination of ALAN OSHIMA to the Education Commission of the States, term to expire June 30, 2016, seconded by Senator Kidani.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3559 (Gov. Msg. Nos. 907 and 908):

Senator Tokuda moved that Stand. Com. Rep. No. 3559 be received and placed on file, seconded by Senator Kidani and carried.

Senator Tokuda then moved that the Senate advise and consent to the nominations to the Hawai'i Teacher Standards Board of the following:

WRAY JOSE, term to expire June 30, 2015 (Gov. Msg. No. 907); and

FELICIA VILLALOBOS, term to expire June 30, 2013 (Gov. Msg. No. 908),

seconded by Senator Kidani.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3560 (Gov. Msg. Nos. 891 and 892):

Senator Galuteria moved that Stand. Com. Rep. No. 3560 be received and placed on file, seconded by Senator Ryan and carried.

Senator Galuteria then moved that the Senate advise and consent to the nominations to the Island Burial Council, Island of Hawai'i of the following:

MARY MAXINE KAHAULELIO, term to expire June 30, 2015 (Gov. Msg. No. 891); and

KEITH UNGER, term to expire June 30, 2015 (Gov. Msg. No. 892),

seconded by Senator Ryan.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3561 (Gov. Msg. No. 894):

Senator Galuteria moved that Stand. Com. Rep. No. 3561 be received and placed on file, seconded by Senator Ryan and carried.

Senator Galuteria then moved that the Senate advise and consent to the nomination of NATHAN KALAMA to the Island Burial Council, Islands of Kaua'i and Ni'ihau, term to expire June 30, 2016, seconded by Senator Ryan.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3562 (Gov. Msg. Nos. 895 and 896):

Senator Galuteria moved that Stand. Com. Rep. No. 3562 be received and placed on file, seconded by Senator Ryan and carried.

Senator Galuteria then moved that the Senate advise and consent to the nominations to the Island Burial Council, Islands of Maui and Lana'i of the following:

KALANI HO, term to expire June 30, 2015 (Gov. Msg. No. 895); and

LEIANE PACI, term to expire June 30, 2015 (Gov. Msg. No. 896),

seconded by Senator Ryan.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3563 (Gov. Msg. No. 897):

Senator Galuteria moved that Stand. Com. Rep. No. 3563 be received and placed on file, seconded by Senator Ryan and carried.

Senator Galuteria then moved that the Senate advise and consent to the nomination of ELTON MAGALLANES to the Island Burial Council, Island of O'ahu, term to expire June 30, 2015, seconded by Senator Ryan.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3564 (Gov. Msg. Nos. 909 and 910):

Senator Galuteria moved that Stand. Com. Rep. No. 3564 be received and placed on file, seconded by Senator Ryan and carried.

Senator Galuteria then moved that the Senate advise and consent to the nominations to the Hawaiian Homes Commission of the following:

LEIMANA DAMATE, term to expire June 30, 2013 (Gov. Msg. No. 909); and

GENE ROSS DAVIS, term to expire June 30, 2016 (Gov. Msg. No. 910),

seconded by Senator Ryan.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3565 (Gov. Msg. Nos. 752 and 753):

Senator Hee moved that Stand. Com. Rep. No. 3565 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nominations to the Commission to Promote Uniform Legislation of the following:

PETER HAMASAKI, term to expire June 30, 2016 (Gov. Msg. No. 752); and

KEVIN SUMIDA, term to expire June 30, 2016 (Gov. Msg. No. 753),

seconded by Senator Shimabukuro.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### ADVISE AND CONSENT

##### MATTER DEFERRED FROM THURSDAY, APRIL 19, 2012

Stand. Com. Rep. No. 3533 (Gov. Msg. No. 560):

Senator Hee moved that Stand. Com. Rep. No. 3533 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of BARBARA A. KRIEG as the Director of the Department of Human Resources Development, term to expire December 1, 2014, seconded by Senator Shimabukuro.

Senator Hee rose to speak in support of the nominee as follows:

“Members, I urge your support of Barbara Krieg as Director of the Department of Human Resources Development. As all of us in the Legislature know, Ms. Krieg is taking the place of Sunshine Topping who left unexpectedly—I presume to be with her family—so Barbara has literally hit the ground running. She is very professional in her responses, at least to the Committee on Judiciary and Labor, has provided timely responses when requested by the committee; and it’s my view and strong feeling that Ms. Krieg will serve the State of Hawai‘i, and the Department of Human Resources Development in particular, with great dignity and with great honor. I urge your support. Thank you.”

Senator Solomon rose to speak in strong support of the nominee as follows:

“I’d like to rise in strong support, and again, just echo the remarks of the previous speaker. Thank you.”

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At this time, Senator Hee introduced Director Barbara Krieg and her Hawai‘i ‘ohana including Governor Neil Abercrombie and colleagues from the Department of Human Resources Development who were seated in the gallery. Senator Hee, on behalf of the Senate, offered condolences to Director Krieg on the recent passing of her husband Nick DeWitt.

Senator Galuteria introduced newly confirmed Hawaiian Homes Commissioner Leimana Damate who was seated in the gallery.

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 3566 (Jud. Com. No. 8):

Senator Hee moved that Stand. Com. Rep. No. 3566 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate consent to the nomination of ADRIANNE N. HEELY to the District Family Court of the Second Circuit, term to expire in six years, seconded by Senator Shimabukuro.

Senator Hee rose to speak in support of the nominee as follows:

“Colleagues, again I’m honored to stand in support of the latest nominee presented to this body for consideration by the Chief Justice—Adrienne Nalani Mui-Ling Heely. She is a part-Hawaiian young lady, educated at the Kamehameha Schools, as were her siblings. She is on the younger end; I believe she’s five of six. She earned her Bachelor of Arts degree in Sociology at the University of California at Santa Barbara, and is yet a fine example of one of the later law degree recipients from the William S. Richardson School of Law when she returned to Hawai‘i; she earned her degree in 1998. She is the example that former C.J. Richardson once said to all of us that the law school in Hawai‘i would provide the means for those who were afforded the opportunity to earn their law degree at home, and give women, in particular, a chance to earn their degree, which otherwise they would not have the means to go to the mainland.

“Adrienne Heely started her legal career as a law clerk for Judge Michael Town. She worked as a deputy public defender both on O‘ahu and the Second Circuit on Maui. She also has private practice experience working for firms including Ashford and Wriston, Hisaka Goto Yoshida Kosgrove and Ching, and later the Law Offices of Frank Goto, Jr. She has been a deputy corp counsel for the County of Maui for the past five and a half years.

“She, according to those who testified in support of her, has a very strong work ethic. She is thorough, fair, open-minded, and able to make tough decisions; sounds like her father. She has practiced and displayed the highest level of integrity and credibility. She is known to be fair, to be diligent and compassionate. She is well-liked and respected by her coworkers and the county agencies that she has advised for the last five years. She is also known with treating those that she has been in contact, socially as well as in business, with respect. She is humble and personable. She is known for her sense of humor and for her infectious smile. She has three youngsters: a daughter, Ryan Hi‘ilani, age three; a son, Eli Joseph Kamakani, age two; and a daughter, Mandy Patricia Ikeho‘omalie, age two months.

“If you haven’t figured out by now, she is the daughter of Judge Daniel Heely, who, as a native son of Hawai‘i, owes a debt of gratitude for his sense of justice for Native Hawaiians. I would add parenthetically at this point that the settlement that the Legislature passed and was signed into law by the Governor is the result of what has been known as the Heely decision. I am honored to stand in support of the daughter of Judge Dan Heely, and am confident that as a District Court Judge for the Second Circuit, she will paddle her own canoe, blaze her own trail, and make her own footprints in the area of judicial law. Mr. President and colleagues, I urge your favorable support of Adrienne Heely. Thank you.”

Senator Baker, on behalf of the Maui delegation, rose to speak in strong support of the nominee as follows:

“Ms. Heely has many of the attributes that make successful, effective judges. She has been recognized for her legal abilities, beginning in law school with awards for her scholarly writing. She has also been an active member in the Hawai‘i State Bar Association and became President of the Government Lawyers Section, recognition indicative of type of fine legal mind and ability Ms. Heely possesses.

“Her diverse professional experience will also be beneficial to her in handling a district courtroom. She has worked as a deputy public defender on Maui and O‘ahu, in private firms handling civil litigation, and as Deputy Corporation Counsel for the County of Maui. Her colleagues give her high praise for her ability to communicate intricate legal concepts to others, indeed a valuable trait, especially in the court to which she’s been nominated.

“District Court judges often have to juggle busy calendars and have many pro se defendants, which is by no means an easy task. Ms. Heely’s attitude, intellect, and leadership will be instrumental in handling these challenges. Over the course of her career, she has also displayed decisiveness and fairness in her decision making that will serve her well as a judge, and bodes well for the community.

“Ms. Heely also knows how to balance profession, community, and family. She has managed to coach youth soccer for young girls and teams at Kamehameha Schools while having a very demanding profession and three young children at home. Again, Maui County is fortunate to have someone so well-qualified and interested in serving the public as Adrienne. She brings the requisite judicial characteristics and a breadth of experience to the district court bench, and I believe she is well qualified to handle the challenges inherent in that position. For those reasons, I am proud to stand in strong support of her confirmation, and say mahalo nui loa to the Chief Justice for giving us another excellent woman to help our gender imbalance on the Second Circuit in Maui. Mahalo.”

Senator Solomon rose to speak in strong support of the nominee as follows:

“I, too, stand in very strong support, and would like the remarks of the previous speakers to be incorporated into the Journal as though they were my own.” (The Chair so ordered, by reference only.)

“I, too, had the privilege of knowing her dad, Judge Heely, who I had great respect for; and I know that she will most definitely follow in his footsteps and do it with dignity and pride. Thank you, Mr. President.”

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At this time, Senator Hee introduced Judge Heely and her family seated in the gallery including fiancé Leo Kaniela Caires; her brother Shawn Heely; sisters Patty Heely, Sandy Burgess, and Dee Kekauhuna; her twin sister Leann Heely; her mother Patricia Heely; and her father, the Honorable Daniel G. Heely.

At 12:04 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:18 p.m.

At 12:19 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:19 p.m.

## ADOPTION OF RESOLUTION

### MATTER DEFERRED FROM TUESDAY, APRIL 24, 2012

Stand. Com. Rep. No. 3567 (H.C.R. No. 104):

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 104, entitled: “HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO DESIGNATE THE MAGOON RESEARCH AND TEACHING FACILITY SITE FOR THE UNIVERSITY OF HAWAII AT MANOA COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES,” was adopted.

### FINAL READING

S.B. No. 223, S.D. 1, H.D. 1:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 223, S.D. 1, and S.B. No. 223, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE ORDERS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2228, S.D. 2, H.D. 2:

Senator Green moved that S.B. No. 2228, S.D. 2, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Slom rose to speak in opposition to the measure as follows:

“I’ve spoken about this bill before. I know what the supporters have said that pseudoephedrine is a compound that can be used for making all kinds of illegal things and devices and dangerous weapons, but the problem that I have is that we are making more law-abiding citizens into criminals. We are tracking them, we are storing data; in this case, the data is stored for two years. We know what has happened to stored data recently, and the problems that we’ve had for cybercrime. And this bill particularly, I think, has a number of problems. One is the broad, vague, and, I think, ambiguous definitions of what the retailers or pharmacists have to do in terms of keeping the records. The Department of Public Safety, in testifying in support of the bill, also cautioned that the success of the program will rest primarily on third-party entity, the National Association of Drug Diversion Investigators, who will provide transaction reports and allow access to the National Precursor Log Exchange.

“If the organization does not allow access or chooses to not allow the state to participate, then the measure will not succeed. The tracking system also does not report information relating to persons purchasing just under the three grams per day or nine gram per month limits that are currently in effect. So, I have a problem, as I say, in terms of turning more people into recipients of government tracking, and I think the unintended consequences far outweigh the safety provisions. Thank you.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2228, S.D. 2, and S.B. No. 2228, S.D. 2, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PSEUDOEPHEDRINE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Solomon). Noes, 1 (Slom).

## MISCELLANEOUS BUSINESS

## RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 745, S.D. 2 (H.D. 2):

Senator Gabbard moved that the Senate reconsider its action taken on April 12, 2012, in disagreeing to the amendments proposed by the House to S.B. No. 745, S.D. 2, seconded by Senator Espero and carried.

Senator Gabbard then moved that the Senate agree to the amendments made by the House to S.B. No. 745, S.D. 2, seconded by Senator Espero.

Senator Gabbard noted:

“Colleagues, S.B. 745, H.D. 2 would extend the lapsing date for special purpose revenue bonds authorized for Honolulu Seawater Air Conditioning to June 30, 2015. This is needed to allow this company to move forward with their very important project to reduce electricity costs for buildings in the downtown area. I ask that you join me in agreeing to this measure. Mahalo.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 745, S.D. 2 and S.B. No. 745, S.D. 2, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SEAWATER AIR CONDITIONING,” was placed on the calendar for Final Reading on Tuesday, May 1, 2012.

S.B. No. 2281, S.D. 1 (H.D. 1):

Senator Gabbard moved that the Senate reconsider its action taken on April 12, 2012, in disagreeing to the amendments proposed by the House to S.B. No. 2281, S.D. 1, seconded by Senator Espero and carried.

Senator Gabbard then moved that the Senate agree to the amendments made by the House to S.B. No. 2281, S.D. 1, seconded by Senator Espero.

Senator Gabbard noted:

“S.B. 2281, H.D. 1 is a common sense measure suggested by the OEQC and the Environmental Council. It allows an agency or applicant to bypass the preparation of an environmental assessment and proceed directly to preparation of an EIS. The House worked with the OEQC to make further improvements to the Senate version of the bill. I ask that you join me in agreeing to this measure. Mahalo.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2281, S.D. 1 and S.B. No. 2281, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS,” was placed on the calendar for Final Reading on Thursday, April 26, 2012.

At 12:24 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:24 p.m.

S.B. No. 2790, S.D. 1 (H.D. 1):

The President discharged all conferees on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2790, S.D. 1.

Senator Galuteria moved that the Senate reconsider its action taken on April 12, 2012, in disagreeing to the amendments proposed by the House to S.B. No. 2790, S.D. 1, seconded by Senator Espero and carried.

Senator Galuteria then moved that the Senate agree to the amendments made by the House to S.B. No. 2790, S.D. 1, seconded by Senator Espero.

Senator Galuteria noted:

“This measure is to extend the repeal date of the pilot program created by Act 187 that enables the Department of Hawaiian Home Lands to begin housing and other projects without having the full amount of the cost on hand at the beginning, and extends the sunset date from June 30, 2012 to June 30, 2015. Since Act 187 was passed in 2010, the economic conditions in Hawai‘i and the timing of the projects have not provided an opportunity to implement the pilot program. When the legislation was introduced, DHHL had five projects lined up to which they could have applied this exception to; they were in Kona, in Kapolei, Waimānalo, Wai‘anae, and Anahola. There is no cost to implement this program as there is no cost to the state to extend the sunset. So again, this is an exception and a tool for greater efficiency for the Hawaiian Home Lands, and I encourage you to support it. Mahalo.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2790, S.D. 1 and S.B. No. 2790, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS,” was placed on the calendar for Final Reading on Thursday, April 26, 2012.

## WAIVERS OF REFERRAL

Senator Espero, Chair of the Committee on Public Safety, Government Operations, and Military Affairs, requested that the referral of H.C.R. No. 19 to the Committee on Public Safety, Government Operations, and Military Affairs be waived pursuant to Senate Rule 46(4).

Senator Espero noted:

“This measure, HCR 19, urges the United States Department of Veterans Affairs and the Hawai‘i Office of Veterans Services to develop comprehensive programs and services to address the needs of women veterans. We did pass a similar measure to the House. However, that measure has stalled, and I believe that this matter is worthy to be voted on. We did miss the deadlines due to conference and all other meetings at this time.”

The Chair granted the waiver.

On motion by Senator Espero, seconded by Senator Kidani and carried, H.C.R. No. 19, entitled: “HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS AND THE HAWAII OFFICE OF VETERANS SERVICES TO DEVELOP COMPREHENSIVE PROGRAMS AND SERVICES TO ADDRESS THE NEEDS OF WOMEN VETERANS,” was placed on the calendar for adoption on Thursday, April 26, 2012.

Senator Dela Cruz, Chair of the Committee on Water, Land, and Housing, requested that the joint referral of H.C.R. No. 163 to the Committee on Water, Land, and Housing and the Committee on Public Safety, Government Operations, and Military Affairs be waived pursuant to Senate Rule 46(4).

Senator Dela Cruz noted:

“The purpose of this measure is to urge the DLNR and the PLDC, with the assistance of the County of Hawai‘i, to study the establishment of public-private partnerships that will allow the department to improve leasehold lands of east Hawai‘i that are subject to the expiration of leases in 2015, which includes existing properties on Banyan Drive and Kanoelehua Industrial Area. Due to conference committee schedules, the Committee

on Water, Land, and Housing requests a waiver of referral to allow the full Senate to vote.”

The Chair granted the waiver.

On motion by Senator Dela Cruz, seconded by Senator Espero and carried, H.C.R. No. 163, entitled: “HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE PUBLIC LAND DEVELOPMENT CORPORATION, WITH THE ASSISTANCE OF THE COUNTY OF HAWAII, TO CONDUCT A STUDY ON THE ESTABLISHMENT OF A PUBLIC-PRIVATE PARTNERSHIP TO DEVELOP AND IMPROVE THE EAST HAWAII AREA OF HAWAII COUNTY,” was placed on the calendar for adoption on Thursday, April 26, 2012.

At this time, the Chair made the following announcements:

“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.

“Conferees are named in accordance with the action sheets to be distributed to your offices later today.”

#### **APPOINTMENT AND DISCHARGE OF CONFEREES**

S.B. No. 2434, S.D. 1 (H.D. 3):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2434, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, chair; Green, Chun Oakland, co-chairs on the part of the Senate at such conference.

S.B. No. 2790, S.D. 1 (H.D. 1):

The President discharged all conferees on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2790, S.D. 1.

H.B. No. 2819, H.D. 1 (S.D. 2):

The President appointed Senator Solomon as a co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2819, H.D. 1.

S.C.R. No. 40, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.C.R. No. 40, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Fukunaga, chair; Espero, Ige, co-chairs on the part of the Senate at such conference.

#### **ADJOURNMENT**

At 12:29 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 6:30 p.m., Thursday, April 26, 2012.