

TWENTY-SEVENTH DAY

Friday, March 8, 2013

The Senate of the Twenty-Seventh Legislature of the State of Hawai'i, Regular Session of 2013, convened at 11:34 a.m. with the President in the Chair.

The Roll was called showing all Senators present with the exception of Senator Dela Cruz who was excused.

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

At this time, Senator Slom introduced former State Representative Colleen Meyer who was seated in the gallery.

Senator Slom also introduced President of Junior Achievement of Hawaii Roz Burton-Torres and Board Chairman Ben Nakaoka who were seated in the gallery.

Senator Slom recognized and congratulated the following 2013 Junior Achievement of Hawaii Business Hall of Fame Laureates and their supporters: Ralph Inouye of Ralph S. Inouye Co. Ltd., who was accompanied by his sons Sid and Lance, and daughter Cindra; Randy Hiraki of Commercial Plumbing Inc., who was accompanied by his daughters Kelly and Cori, business manager Kathryn Yamauchi, Controller Brian Uemori, and Vice President Mark Suzuki; and Russell Oda of Fleming & Associates LLC, who was accompanied by his sister Candi Horita, his daughter Roxanne, Patricia Oda, Reese Ching, and Alana Higa.

Senator Kouchi introduced Keith Robinson and Thomas Hashimoto, nominees to the Aha Moku Advisory Committee. Mr. Hashimoto was accompanied by his wife Annie and daughter Dancette Green.

Senator Kouchi also welcomed former State Senator Pohai Ryan who was seated in the gallery.

Senator Taniguchi congratulated Kokusai Sake Kai on its 25th anniversary, and introduced its first female president Yumi Ozaki, as well as founder and immediate past president Michael Leinweber.

Senator Kahele commemorated the 50th anniversary of the Merrie Monarch Festival, and presented a congratulatory certificate to Colleen Kawelu, who represented her sister Kathleen and her mother and current festival president Luana Kawelu.

Senator Solomon thanked Senator Kahele for his kind words and shared with members of the Senate how her mother Tita Beamer was really the last remaining member of the original committee that founded the Merrie Monarch Festival, and what an auspicious event the festival was for her family. She also wished good luck to the festival and thanked them for all their good works.

Senator Galuteria noted the presence of Governor Neil Abercrombie in the gallery.

At 11:44 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:51 a.m.

MESSAGE FROM THE GOVERNOR

The following message from the Governor (Gov. Msg. No. 708) was read by the Clerk and was placed on file:

Gov. Msg. No. 708, informing the Senate that on March 6, 2013, the Governor withdrew NATHANIEL KINNEY, Gubernatorial Nominee to the Board of Directors of the

Research Corporation of the University of Hawai'i, from consideration by the Senate (Gov. Msg. No. 629).

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 372 to 374) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 372, transmitting H.B. No. 143, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2013, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 143, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FREEDOM OF INFORMATION," passed First Reading by title and was referred jointly to the Committee on Commerce and Consumer Protection and the Committee on Technology and the Arts, then to the Committee on Judiciary and Labor.

Hse. Com. No. 373, transmitting H.B. No. 1068, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2013, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 1068, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN TRAFFICKING," passed First Reading by title and was referred jointly to the Committee on Human Services and the Committee on Judiciary and Labor, then to the Committee on Ways and Means.

Hse. Com. No. 374, transmitting H.B. No. 1308, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2013, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 1308, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE," passed First Reading by title and was referred jointly to the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Transportation and International Affairs, then to the Committee on Judiciary and Labor.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 85 and 86) were read by the Clerk and were deferred:

S.C.R. No. 85 "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO STUDY AND MAKE RECOMMENDATIONS REGARDING POLICIES AND PROCEDURES TO IMPROVE THE ACCURACY OF EYEWITNESS IDENTIFICATIONS."

Offered by: Senators Shimabukuro, Nishihara, Green, Ige, Slom.

S.C.R. No. 86 "SENATE CONCURRENT RESOLUTION URGING ALL HEALTH CARE PROVIDERS IN HAWAII THAT PERFORM ORGAN TRANSPLANTATION TO CONSIDER PLACING HIV-POSITIVE PATIENTS WHO NEED AN ORGAN TRANSPLANT ON AN ORGAN TRANSPLANT WAITLIST."

Offered by: Senator Espero.

SENATE RESOLUTIONS

The following resolution (S.R. Nos. 51 and 52) were read by the Clerk and were deferred:

S.R. No. 51 "SENATE RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO STUDY AND MAKE RECOMMENDATIONS REGARDING POLICIES AND PROCEDURES TO IMPROVE THE ACCURACY OF EYEWITNESS IDENTIFICATIONS."

Offered by: Senators Shimabukuro, Nishihara, Green, Ige, Slom.

S.R. No. 52 "SENATE RESOLUTION URGING ALL HEALTH CARE PROVIDERS IN HAWAII THAT PERFORM ORGAN TRANSPLANTATION TO CONSIDER PLACING HIV-POSITIVE PATIENTS WHO NEED AN ORGAN TRANSPLANT ON AN ORGAN TRANSPLANT WAITLIST."

Offered by: Senator Espero.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 831) recommending that the Senate advise and consent to the nomination of PETER SHOJI to the Board of Examiners in Optometry, in accordance with Gov. Msg. No. 510.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 831 and Gov. Msg. No. 510 was deferred until Monday, March 11, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 832) recommending that the Senate advise and consent to the nomination of RODNEY CHUN to the Board of Naturopathic Medicine, in accordance with Gov. Msg. No. 512.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 832 and Gov. Msg. No. 512 was deferred until Monday, March 11, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 833) recommending that the Senate advise and consent to the nominations to the Motor Vehicle Repair Industry Board of the following:

MARIE WEITE, in accordance with Gov. Msg. No. 518; and

MICHAEL TETSUTANI, in accordance with Gov. Msg. No. 519.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 833 and Gov. Msg. Nos. 518 and 519 was deferred until Monday, March 11, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 834) recommending that the Senate advise and consent to the nomination of RODNEY ONO to the Pest Control Board, in accordance with Gov. Msg. No. 520.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 834 and Gov. Msg. No. 520 was deferred until Monday, March 11, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 835) recommending that the Senate advise and consent to the nomination of SCOTT ARAKAKI to the Real Estate Commission, in accordance with Gov. Msg. No. 521.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 835 and Gov. Msg. No. 521 was deferred until Monday, March 11, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 836) recommending that the Senate advise and consent to the nomination of JAYNE TSUCHIYAMA to the Board of Acupuncture, in accordance with Gov. Msg. No. 598.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 836 and Gov. Msg. No. 598 was deferred until Monday, March 11, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 837) recommending that the Senate advise and consent to the nomination of ELVIRA LO to the Board of Directors of the Hawai'i Hurricane Relief Fund, in accordance with Gov. Msg. No. 599.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 837 and Gov. Msg. No. 599 was deferred until Monday, March 11, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 838) recommending that the Senate advise and consent to the nomination of KERRI OKAMURA to the Board of Pharmacy, in accordance with Gov. Msg. No. 602.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 838 and Gov. Msg. No. 602 was deferred until Monday, March 11, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 839) recommending that the Senate advise and consent to the nomination of ELIZABETH MCCREARY to the Board of Physical Therapy, in accordance with Gov. Msg. No. 603.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 839 and Gov. Msg. No. 603 was deferred until Monday, March 11, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 840) recommending that the Senate advise and consent to the nominations to the Board of Veterinary Examiners of the following:

WENDY MAH, in accordance with Gov. Msg. No. 607; and

MICHAEL WOLTMON, in accordance with Gov. Msg. No. 608.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 840 and Gov. Msg. Nos. 607 and 608 was deferred until Monday, March 11, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 841) recommending that the Senate advise and consent to the nomination of NIRAJ DESAI to the Hawai'i Medical Board, in accordance with Gov. Msg. No. 609.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 841 and Gov. Msg. No. 609 was deferred until Monday, March 11, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 842) recommending that the Senate advise and consent to the nomination of KATHLEEN KANG-KAULUPALI to the State Board of Chiropractic Examiners, in accordance with Gov. Msg. No. 613.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 842 and Gov. Msg. No. 613 was deferred until Monday, March 11, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 843) recommending that the Senate advise and consent to the nomination of GEORGE DAVIS, JR. to the Board of Massage Therapy, in accordance with Gov. Msg. No. 511.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 843 and Gov. Msg. No. 511 was deferred until Monday, March 11, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 844) recommending that the Senate advise and consent to the nominations to the Board of Electricians and Plumbers of the following:

RANDAL HIRAKI, in accordance with Gov. Msg. No. 600; and

RANDALL KAYA, in accordance with Gov. Msg. No. 601.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 844 and Gov. Msg. Nos. 600 and 601 was deferred until Monday, March 11, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 845) recommending that the Senate advise and consent to the nominations to the Contractors License Board of the following:

NATHAN KONISHI, in accordance with Gov. Msg. No. 515; and

NATHAN KONISHI, in accordance with Gov. Msg. No. 516.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 845 and Gov. Msg. Nos. 515 and 516 was deferred until Monday, March 11, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 846) recommending that the Senate advise and consent to the nominations to the Board of Speech Pathology and Audiology of the following:

JUNE UYEHARA-ISONO, in accordance with Gov. Msg. No. 514; and

SHARI GOO-YOSHINO, in accordance with Gov. Msg. No. 606.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 846 and Gov. Msg. Nos. 514 and 606 was deferred until Monday, March 11, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 847) recommending that the Senate advise and consent to the nomination of ALEXANDER CHOI to the State Board of Barbering and Cosmetology, in accordance with Gov. Msg. No. 611.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 847 and Gov. Msg. No. 611 was deferred until Monday, March 11, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 848) recommending that the Senate advise and consent to the nominations to the Board of Dental Examiners of the following:

RODNEY CHING, in accordance with Gov. Msg. No. 507;

STAPHE FUJIMOTO, in accordance with Gov. Msg. No. 508; and

STAPHE FUJIMOTO, in accordance with Gov. Msg. No. 509.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 848 and Gov. Msg. Nos. 507, 508, and 509 was deferred until Monday, March 11, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 849) recommending that the Senate advise and consent to the nominations to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects of the following:

JOEL KUOKAWA, in accordance with Gov. Msg. No. 513;

DAN HIROTA, in accordance with Gov. Msg. No. 604;

ROBERTO YUMOL, in accordance with Gov. Msg. No. 605; and

KEVIN KATAYAMA, in accordance with Gov. Msg. No. 676.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 849 and Gov. Msg. Nos. 513, 604, 605 and 676 was deferred until Monday, March 11, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 850) recommending that the Senate advise and consent to the nominations to the Motor Vehicle Industry Licensing Board of the following:

WILLIAM VAN DEN HURK, in accordance with Gov. Msg. No. 517; and

DONALD TOUCHI, in accordance with Gov. Msg. No. 610.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 850 and Gov. Msg. Nos. 517 and 610 was deferred until Monday, March 11, 2013.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 851) recommending that the Senate advise and consent to the nominations to the Kaua'i Aquatic Life and Wildlife Advisory Committee of the following:

DENNIS EGUCHI, in accordance with Gov. Msg. No. 533; and

KENT YAMAUCHI, in accordance with Gov. Msg. No. 534.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 851 and Gov. Msg. Nos. 533 and 534 was deferred until Monday, March 11, 2013.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 852) recommending that the Senate advise and consent to the nomination of PAUL CHANG to the Environmental Council, in accordance with Gov. Msg. No. 622.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 852 and Gov. Msg. No. 622 was deferred until Monday, March 11, 2013.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 853) recommending that S.C.R. No. 28, as amended in S.D. 1, be

referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 28, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO REPORT TO THE LEGISLATURE ON THE PROGRESS IN IMPLEMENTING THE RECOMMENDATIONS OF THE RELIABILITY STANDARDS WORKING GROUP," was referred to the Committee on Commerce and Consumer Protection.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 826 (Gov. Msg. Nos. 573 and 574):

Senator Espero moved that Stand. Com. Rep. No. 826 be received and placed on file, seconded by Senator Baker and carried.

Senator Espero then moved that the Senate advise and consent to the nominations to the Advisory Board on Veterans' Services of the following:

CHELSEA FERNANDEZ, term to expire June 30, 2016 (Gov. Msg. No. 573); and

WILLIAM PARK, term to expire June 30, 2016 (Gov. Msg. No. 574),

seconded by Senator Baker.

Senator Baker rose to speak in strong support of Gov. Msg. No. 573 as follows:

"Madam President, on behalf of my Maui colleagues, I stand in strong support of the nomination of Chelsea Ann Fernandez to the Advisory Board on Veterans' Services.

"Chelsea is a Hawai'i Army National Guard veteran who deployed with her unit to support combat activity in southwest Asia. Her service to her nation and to her state has been exemplary. She has received unit commendation awards and received an honorable discharge from service. She is one of the new generation of veterans – and a woman veteran at that – who I think will serve very ably on this board.

"In 2012, the Women's Legislative Caucus bestowed on her the honor of 'Woman of Distinction' for her leadership in the community as a young entrepreneur helping physically-challenged citizens with opportunities for rehabilitation and employment. As a working mother, she has offered her service to help Stand Down events on Maui and here on O'ahu assisting women veterans and their families. Her selection to the Hawai'i Women Veterans Military Task Force as an original cadre member proved her ability to go above and beyond to support veterans and their families. She has been a wonderful member of the Hawai'i Women Veterans Military Task Force, and she created a webpage so that interested veterans could find out more about programs and services offered to the 14,000 women veterans that are here in Hawai'i. Additionally, she and her fellow task force members published a legislative report to highlight the needs of our women veterans and a plan to address them.

"She certainly represents the very best of this generation of veterans, and I believe, and my colleagues from Maui join me in believing, that she is most deserving of this appointment, and I ask all my colleagues to join with us in voting in support of Chelsea Ann Fernandez. Mahalo."

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

Ayes, 23. Noes, none. Excused, 2 (Dela Cruz, Kouchi).

Stand. Com. Rep. No. 827 (Gov. Msg. Nos. 580, 581 and 651):

Senator Espero moved that Stand. Com. Rep. No. 827 be received and placed on file, seconded by Senator Baker and carried.

Senator Espero then moved that the Senate advise and consent to the nominations to the Civil Defense Advisory Council of the following:

DOMINADOR COLOMA, term to expire June 30, 2014 (Gov. Msg. No. 580);

JAN TENBRUGGENCATE, term to expire June 30, 2016 (Gov. Msg. No. 581); and

WILLIAM ANONSEN, term to expire June 30, 2017 (Gov. Msg. No. 651),

seconded by Senator Baker.

Senator Kahele requested that remarks in support of Gov. Msg. No. 580 be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Kahele's remarks read as follows:

"I am in full support of Governor's Message No. 580 in appointing Don Coloma for the Civil Defense Advisory Council. Mr. Coloma has extensive experience in Emergency Operations and retired as Hawai'i County Deputy Fire Chief. He has always been committed to his work and dedicated to insuring that Hawai'i is safe and secure. Recently, Mr. Coloma took it upon himself to assist Civil Defense in updating the Tsunami Warning Systems in Hilo and officials have always commented how supportive and respectful he is. Thank you."

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

Ayes, 23. Noes, none. Excused, 2 (Dela Cruz, Kouchi).

Stand. Com. Rep. No. 828 (Gov. Msg. Nos. 583 and 584):

Senator Espero moved that Stand. Com. Rep. No. 828 be received and placed on file, seconded by Senator Baker and carried.

Senator Espero then moved that the Senate advise and consent to the nominations to the Hawai'i Paroling Authority of the following:

ANNELLE AMARAL, term to expire June 30, 2015 (Gov. Msg. No. 583); and

FITUINA TUA, term to expire June 30, 2016 (Gov. Msg. No. 584),

seconded by Senator Baker.

Senator Baker requested that remarks in support of Gov. Msg. No. 583 be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Baker's remarks read as follows:

"Madame President, I rise in support of the confirmation of Annelle Amaral to the Hawai'i Paroling Authority.

"Ms. Amaral brings to this position more than 30 years of experience working in the public safety and government arena. From 1975 until 1980, Ms. Amaral served on the Honolulu Police Department's Parole Division, later becoming a beat cop where she worked on a wide range of cases. While working for HPD, Ms. Amaral developed a Rape Prevention Program

helping to educate thousands on rape prevention and self-defense. As a result of this program, she was honored nationally as Officer of the Year by the International Association of Women Police Officers. Leaving HPD in 1982, Annelle began protecting citizens in a different way, serving as Governor Ariyoshi's State Coordinator of the Office of Affirmative Action, implementing Civil Rights laws and the Affirmative Action for UH Hawai'i, Department of Education and the State's Executive Departments. In 1988, I was fortunate to serve with Annelle, who had been elected to the House of Representatives. During the eight years she served in the House, she was in leadership positions first as Vice Chair of both Housing and Judiciary Committees before being appointed as the body's Majority Floor Leader.

"Annelle Amaral has had years of public safety and government experience and has been an active member of her community. Throughout her career she has continued to advocate for crime victims and has been a strong advocate for women. She has been temporarily appointed to the Hawai'i Paroling Board as a board member and has already begun to prove her ability to be fair, firm, and consistent in her decisions. Her diverse background clearly informs her ability to make thoughtful, well-reasoned decisions. Her strong convictions, extensive experience, and considerable street smarts make her well-qualified for this position and I know she will be an exemplary member.

"Colleagues, I ask you to join me in voting to confirm Annelle Amaral to the Hawai'i Paroling Authority."

Senator Solomon requested that remarks in support of Gov. Msg. No. 583 be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Solomon's remarks read as follows:

"I rise in support of Annelle Amaral for the Hawaii Paroling Authority. I know Annelle Amaral to be an attentive and hard worker who will bring much experience and knowledge to the Authority.

"Her impressive background is also a diverse one. Her career has ranged from motor patrol officer with the Honolulu Police Department, state Legislator, Board of Advisors for the Judiciary's Alternative Dispute Resolution, Hawaii State Judicial Selection Commissioner, to a Native Hawaiian cultural liaison as well as working with many other community based organizations in which she has held many offices and received many accolades. She will provide excellent insight and critical perspectives in fulfilling her duties on the Hawaii Paroling Authority."

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

Ayes, 23. Noes, none. Excused, 2 (Dela Cruz, Kouchi).

Stand. Com. Rep. No. 829 (Gov. Msg. Nos. 659, 660, 661, 662, 663, 664, 665 and 666):

Senator Galuteria moved that Stand. Com. Rep. No. 829 be received and placed on file, seconded by Senator Solomon and carried.

Senator Galuteria then moved that the Senate advise and consent to the nominations to the Aha Moku Advisory Committee of the following:

FRANCES KALUHIWA, term to expire June 30, 2016 (Gov. Msg. No. 659);

PIILANI KAAWALOA, term to expire June 30, 2016 (Gov. Msg. No. 660);

KEITH ROBINSON, term to expire June 30, 2016 (Gov. Msg. No. 661);

KYLE NAKANELUA, term to expire June 30, 2016 (Gov. Msg. No. 662);

WINIFRED BASQUES, term to expire June 30, 2016 (Gov. Msg. No. 663);

LESLIE KULOLOIO, term to expire June 30, 2016 (Gov. Msg. No. 664);

KAREN POEPOE, term to expire June 30, 2016 (Gov. Msg. No. 665); and

THOMAS HASHIMOTO, term to expire June 30, 2016 (Gov. Msg. No. 666),

seconded by Senator Solomon.

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

"The Aha Moku Advisory Committee: if I may, I'd like to share a little bit about each of our appointees. Colleagues, the Aha Moku Advisory Committee serves in advisory capacity to the Chairperson of the Board of Land and Natural Resources on issues related to land and natural resources management through a system of best practices based upon indigenous resource management practices.

"Our first Governor's Message is Frances 'Rocky' Kaluhiwa. We all know Rocky; she's a strong advocate, steward, guardian of the cultural and marine resources of Kāne'ohe Bay. Through her activities, she's integrated cultural practices into laws and regulations for our Hawai'i. Thank you so much, Rocky; mahalo.

"Pi'ilani Ka'awaloa practices and teaches traditional Hawaiian methods of fishing and farming, and currently serves as a community cultural liaison for the National Oceanic and Atmospheric Administration regarding marine life and cultural Hawaiian practices. Mahalo nui loa.

"From Ni'ihau, Keith Robinson: He's a veteran, an environmental officer at Ni'ihau Ranch, and owner of Kaua'i Wildlife Reserve, where he grows Hawaiian endangered plants and trees and produces tens of thousands of seeds distributed through the Department of Land and Natural Resources.

"Kyle Nakanelua from the island of Maui: He's been a cultural consultant for the State of Hawai'i since 1996, and a member of the Royal Order. He is with the Pu'ukohola Heiau National Historic Site Advisory Committee and a part of the Pihanakalani/Hale Ki'i Heiau Restoration Committee. Mahalo to Kyle Nakanelua.

"Winifred Basques is from the island of Lāna'i. She's been with Lana'i Community Hospital for 22 years. She serves on the 'Aha Kiolo Advisory Committee, and is well known in the community as a strong advocate for Lana'i residents. She is a member of Hui Kako'o 'Aina Ho'opulapula, Hui Malama Pono O Lana'i, and the Lana'i Hawaiian Civic Club. Thank you, Winnie; mahalo.

"Leslie Kuloloio is a veteran and active member of the Maui community. He has the unique breadth of knowledge. He is a cultural consultant to the Maui Land Development Company, a member of the Protect Kaho'olawe 'Ohana, and was a Honokahua burials cultural community representative, among many things. Thank you so much, Les.

"Karen Poepeoe has played a significant role in the formation of the 'Aha Kiolo o Moloka'i. On this committee, she advised The Nature Conservancy on forest conservation and invasive management programs. She's highly regarded in the

community on Native Hawaiian cultural protocols. Mahalo nui loa; thank you so much.

“And finally, Thomas Hashimoto is from Hanalei and has worked all his life to protect Hawaiian resources through Native Hawaiian cultural methods that he learned from his dad. He’s been involved in the ‘Aha Moku process since 2006, and is a subsistence fisherman and has contributed significantly to the contents of two books regarding the oral histories of Ha’ena. Thank you so much, Thomas.

“Madam President, thank you so much to the Senate for advising and consenting to the nominations. Thank you.”

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

“Madam President, just in conclusion, I just would like to thank all of our kūpuna for serving, and I just would like to end with a famous verse from *Hawai‘i Aloha* that says, ‘E hau‘oli nā ‘ōpio o Hawai‘i nei.’ So happy are we, the youth, and the future of Hawai‘i for having such a prestigious ‘aha moku to guide us into our future. Mahalo.”

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

Ayes, 23. Noes, none. Excused, 2 (Dela Cruz, Kouchi).

Stand. Com. Rep. No. 830 (Gov. Msg. No. 586):

Senator Galuteria moved that Stand. Com. Rep. No. 830 be received and placed on file, seconded by Senator Keith-Agaran and carried.

Senator Galuteria then moved that the Senate advise and consent to the nomination of JOBIE MASAGATANI as the Chairperson of the Department of Hawaiian Home Lands, for a term to expire December 31, 2014, seconded by Senator Keith-Agaran.

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

“Madam President, we have reviewed the personal history, resume, and statements of the nominee, and find Jobie Masagatani to have the necessary qualifications for the Chairperson of the Hawaiian Homes Commission; and further find that Ms. Masagatani possesses the leadership, the knowledge, and skill required to carry out the mission of the Department of Hawaiian Home Lands.

“Jobie graduated from Kamehameha Schools with honors. She obtained her Bachelor of Science degree at Northwestern University and continued on to earn a Master’s degree from Princeton University in Public Affairs/Urban and Regional Planning. She began her career as a budget examiner in the Office of Management and Budget, Executive Office of the President of the United States. She returned to Hawai‘i and worked as a land investment analyst for the Kamehameha Schools. And notably, she served as deputy to the Chairman of the Hawaiian Homes Commission from 1995 to 2002. She managed the Department of Hawaiian Home Lands’ operations for 130 staff members, colleagues. As deputy, she initiated reforms to the department’s mortgage financing programs to reduce the financial risk of exposure to departmental assets, facilitated the implementation of a new federal program for Native Hawaiian housing, and, among other things, oversaw the construction of the Lanikeha Community Center in Ho‘olehua, Moloka‘i.

“She then took a position as the assistant to the president and chief executive officer of The Queen’s Health Systems. She returned to public service as a public policy program manager at the Office of Hawaiian Affairs. She advanced as special assistant to the CEO of the Office of Hawaiian Affairs, and

currently she is the Chairperson Designate of the Hawaiian Homes Commission, and has expressed in our conversations a commitment to five integral areas of the department if she is approved today: stabilizing the department’s financial future, addressing homestead affordability issues, revitalizing the agricultural program of DHHL, and maximizing management of the department’s natural resources and supporting community-based projects. She has an acute understanding of the department and she is a highly motivated public servant.

“Madam President, after full consideration, we found Jobie Masagatani to be qualified for the position to which she is nominated and recommend the Senate advise and consent to the nomination. Mahalo.”

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

“Thank you, Madam President. I am speaking in full support of the previous speaker’s remarks and I would like to just add what was presented in our committee report. I felt that these words truly personified her personality:

As is evidenced by the testimony submitted in support of the nominee by her colleagues, public and private agencies, and individuals, Jobie Masagatani is a highly motivated public servant with a strong work ethic who takes a proactive approach to problem solving, seeks input and consensus on issues, quickly grasps complex issues, and communicates effectively in a positive and encouraging manner.

“I look forward to working with her on her visions and look forward to utilizing her strengths so that we truly can propel our Department of Hawaiian Home Lands into a better future. Thank you, Madam President.”

Senator Kahele rose in support of the nominee and requested that the previous speaker’s remarks be entered into the Journal as if they were his 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, 23. Noes, none. Excused, 2 (Dela Cruz, Kouchi).

At this time, Senator Galuteria introduced Jobie Masagatani, who was accompanied by her mother Ernesta, father Franklin, and various staff members from the Office of Hawaiian Affairs who were seated in the gallery.

At 12:06 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:13 p.m.

At this time, Senator Nishihara introduced former State Senator Norman Sakamoto, Board of Land and Natural Resources Chairperson William Aila, and Department of Transportation Director Glenn Okimoto who were seated in the gallery.

Senator Tokuda introduced Aha Moku Advisory Committee member Rocky Kaluhiwa and her ‘ohana from the Ko‘olaupoko Hawaiian Civic Club, including Uncle Jerry Kaluhiwa, Mahealani Cypher, and Haleaka Martin who were seated in the gallery.

REFERRAL OF A SENATE CONCURRENT RESOLUTION

The President made the following committee assignments of a Senate concurrent resolution offered on Friday, March 1, 2013:

S.C.R. No.: Referred to:

S.C.R. No. 61 Committee on Transportation and International Affairs

REFERRAL OF A SENATE RESOLUTION

The President made the following committee assignments of a Senate resolution offered on Friday, March 1, 2013:

S.R. No.: Referred to:

S.R. No. 31 Committee on Transportation and International Affairs

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. 65, H.D. 2 Jointly to the Committee on Commerce and Consumer Protection and the Committee on Judiciary and Labor, then to the Committee on Ways and Means

H.B. No. 146, H.D. 2 Jointly to the Committee on Transportation and International Affairs and the Committee on Judiciary and Labor, then to the Committee on Ways and Means

H.B. No. 218, H.D. 1 Jointly to the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Tourism and Hawaiian Affairs, then to the Committee on Ways and Means

H.B. No. 399, H.D. 1 Jointly to the Committee on Health and the Committee on Education, then to the Committee on Ways and Means

H.B. No. 689, H.D. 1 Committee on Transportation and International Affairs, then to the Committee on Ways and Means

H.B. No. 696, H.D. 1 Committee on Judiciary and Labor, then to the Committee on Ways and Means

H.B. No. 1316, H.D. 1 Committee on Commerce and Consumer Protection, then to the Committee on Judiciary and Labor

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

"Thank you. I'm rising because of events as they were yesterday and the evident reactions since yesterday's events.

"Let me start this way: The Clerk said, 'Oh, I hope you'll be short,' and I said, 'Lengthen your stirrups because we're on for a good ride today.' Let me start this way: I asked the senator from Mānoa what year he was elected, and he said 1980. Madam President, he predates you and me by two years, so he certainly would remember what I am going to refer to as the 'old days,' the 'good old days.' The good old days: Those are the days when he voted against a honey bill and I voted against a honey bill, and in a recess he said 'Why did you vote against the honey bill?' and I said, 'Because I want to be close to you.' He said, 'Really?' and I said, 'Yes.' Those are the good old days. Those are the old days when if a member knew that another member really wanted a bill, the member would go up to that other member and say, 'You know, I'm sorry, but I'll vote no,' just as a courtesy. 'I know this means a lot to you, but

I'm going to vote no.' Those are the old days, the good old days.

"You know, a few weeks ago, I stood up on this floor on a point of personal privilege to express to all of you that I had become aware from my staff that a member of this august body had some serious concerns that the member's bills weren't being heard by the Judiciary Committee – you folks may remember that. I went on to detail how many bills other committees had moved out and how many bills we had, and so forth, so on, and so forth. I ended the speech by saying, 'If anybody has any issue with the Judiciary Committee, do me a favor: don't see my staff, don't send your staff to see my staff – come see me.' And I used three words that generated smiles and subsequent YouTube snippets from my dear colleagues when I used the three words, 'I'm your huckleberry' – whether you folks remember that.

"Yesterday, I had raised on a point of inquiry a question of what specific part of certain legislation caused two members to vote no. And the reason, and I said it during the reason, was because I was yet undecided, so I wanted to know what specific issue in the bill caused them to rise in opposition. Immediately, the policy leader called a recess; the policy leader went to you, and you came to me, and so on and so forth. You know, I went to see the policy leader yesterday and I asked him why he called a recess, and he explained to me his thoughts. And I spoke to him about my thoughts, and we clarified it and came to an agreement; and the agreement was that if you would rise prospectively to call a recess he would come to see me about the issue.

"You folks may recall yesterday that the senator from Mānoa rose to call a recess and went over to the entire minority delegation, and explained to the minority delegation whatever concerns the minority member had, as he voted with reservations. At the conclusion, the senator from Mānoa went back to his seat, the minority leader got up and said, 'The issue had been clarified for me and I'm going to vote straight up.' The senator from Mānoa didn't call a recess to come see you; the senator from Mānoa went straight to the minority member to explain that maybe there was confusion. Those are the good old days. Those are the days when somebody has an issue, you go see that person because that person is entitled. That person is entitled.

"So yesterday, after this session concluded, I had a couple of meetings and then I went to a late lunch. Then as I was coming back to the Capitol, I ran into one of our colleagues and the colleague said to me, 'What a glorious sunny day,' or something to that effect, and I said 'Yes, isn't it a nice sunny day,' or something to that effect. Then I was surprised to learn that there was a memo circulating – evidently what appears to be a memo to leadership – that I had crossed a line, that I had overstepped my boundaries. I can't remember everything. I'm not sure if it said I ought to be sanctioned or I ought to be disciplined; I don't remember that part. So, I am wondering, asking members questions on a point of inquiry – is that crossing the line? Because I do remember, Madam President, when you asked me about the question I said to you they can decline to answer; that's their prerogative, just as it's my prerogative to rise on a point of inquiry.

"But, here's my point this morning. Isn't it too bad that the individual who talked to me about the glorious day couldn't have said to me, 'Oh, by the way, I think you crossed the line,' or, 'By the way, I sent an email about your bad behavior.' See, because that's the old days; you got something to say, 'I'm your huckleberry' – because if I have something to say, you're my huckleberry because you are entitled, you are entitled to what I think. And so, that is why I am rising on a point of personal privilege because when I asked the senator from Mānoa when he got elected, 1980, those are the good old days.

But guess what? Today is the start of good old days for those who will be asking those questions of some of you, and you're going to respond 2000, 2010, because that's when if your people had something to say, they just said it.

"Recently when the vote was taken on S.B. No. 894, I was surprised and disappointed when one of my colleagues had voted 'no.' Not because my colleague voted 'no,' but because my colleague didn't let me know. And wouldn't you know it, the next day at caucus my colleague stayed behind and as the caucus broke, he said to me, 'I want to apologize to you because I voted no on your bill yesterday.' I looked at him and I said, 'Well, that's okay.' He understands that philosophy of the good old days, and that's the tragedy of rising on a point of personal privilege this morning. Unless we can communicate directly to each other, it's going to get all curves. You and I know, we've been around since '82, and many people in here have been around a very long time. You know, it's like yesterday afternoon in the governor's office, a woman said to the assembled, 'You know how you catch a snake? You grab him behind his ears' – I didn't know a snake had ears – 'and you squeeze that snake behind his jawbone until all the poison comes out, and you keep squeezing.' That's how you catch a snake. Isn't this a glorious day, Madam President? Thank you very much."

ADJOURNMENT

At 12:27 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Monday, March 11, 2013.