

## SEVENTH DAY

## Tuesday, January 29, 2013

The Senate of the Twenty-Seventh Legislature of the State of Hawai'i, Regular Session of 2013, convened at 11:36 a.m. with the President in the Chair.

The Roll was called showing all Senators present with the exception of Senators Kidani and Shimabukuro who were excused.

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

At this time, Senator Ihara introduced Karen Korematsu, daughter of civil rights hero and leader Fred Korematsu who passed away in 2005, and co-founder of the Fred T. Korematsu Institute for Civil Rights and Education.

Senator Ihara also introduced Rosanna Fukuda, a social studies education specialist from the Department of Education.

Senator Hee introduced, in both Hawaiian and English, Dr. Keiki Kawai'ae'a from the Ka Haka 'Ula O Ke'elikōlani College of Hawaiian Language, which was established by the Legislature at the University of Hawai'i at Hilo. Dr. Kawai'ae'a was visiting the Capitol as part of Pūnana Leo's 30th anniversary. Senator Hee also noted the presence of keiki singing in the rotunda as part of the Hawaiian Immersion Education Rally.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 197 to 201 and 597 to 670) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 197, dated October 23, 2012, transmitting the Statistics of Hawaii Agriculture 2010, prepared by the Department of Agriculture, was placed on file.

Gov. Msg. No. 198, dated January 17, 2013, transmitting the Report on the Interim Assistance Reimbursement Program, prepared by the Department of Human Services pursuant to Act 106, Section 128.1, SLH 2012, was placed on file.

Gov. Msg. No. 199, dated January 22, 2013, transmitting the Study on Asset Limits to Qualify for Public Assistance, prepared by the Department of Human Services pursuant to H.R. No. 124 (2012), was placed on file.

Gov. Msg. No. 200, dated January 22, 2013, transmitting the report, "Recommendations to Leverage County, State, Federal, and Private Funding for an Educational Resource Center at the Honouliuli Site and Status on Designating Honouliuli Internment-Prisoner Of War Camp Site as Part of the United States National Park Service," prepared by the Department of Land and Natural Resources pursuant to Act 235, SLH 2012, was placed on file.

Gov. Msg. No. 201, dated January 23, 2013, transmitting the Five-Year Financial Plan of the Department of Health pursuant to Act 106, SLH 2012, was placed on file.

Gov. Msg. No. 597, submitting for consideration and confirmation to the Board of Agriculture, the nomination of GLENN HONG, term to expire June 30, 2017, was referred to the Committee on Agriculture.

Gov. Msg. No. 598, submitting for consideration and confirmation to the Board of Acupuncture, the nomination of JAYNE TSUCHIYAMA, term to expire June 30, 2017, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 599, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Hurricane Relief Fund, the nomination of ELVIRA LO, term to expire June 30, 2017, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 600, submitting for consideration and confirmation to the Board of Electricians and Plumbers, the nomination of RANDAL HIRAKI, term to expire June 30, 2017, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 601, submitting for consideration and confirmation to the Board of Electricians and Plumbers, the nomination of RANDALL KAYA, term to expire June 30, 2017, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 602, submitting for consideration and confirmation to the Board of Pharmacy, the nomination of KERRI OKAMURA, term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 603, submitting for consideration and confirmation to the Board of Physical Therapy, the nomination of ELIZABETH MCCREARY, term to expire June 30, 2015, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 604, submitting for consideration and confirmation to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, the nomination of DAN HIROTA, term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 605, submitting for consideration and confirmation to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, the nomination of ROBERTO YUMOL, term to expire June 30, 2015, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 606, submitting for consideration and confirmation to the Board of Speech Pathology and Audiology, the nomination of SHARI GOO-YOSHINO, term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 607, submitting for consideration and confirmation to the Board of Veterinary Examiners, the nomination of WENDY MAH, term to expire June 30, 2017, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 608, submitting for consideration and confirmation to the Board of Veterinary Examiners, the nomination of MICHAEL WOLTMON, term to expire June 30, 2017, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 609, submitting for consideration and confirmation to the Hawai'i Medical Board, the nomination of NIRAJ DESAI, term to expire June 30, 2017, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 610, submitting for consideration and confirmation to the Motor Vehicle Industry Licensing Board, the nomination of DONALD TOUCHI, term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 611, submitting for consideration and confirmation to the State Board of Barbering and Cosmetology, the nomination of ALEXANDER CHOI, term to expire June 30, 2017, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 612, submitting for consideration and confirmation to the State Board of Barbering and Cosmetology, the nomination of ELAINE KIMURA, term to expire June 30, 2016, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 613, submitting for consideration and confirmation to the State Board of Chiropractic Examiners, the nomination of KATHLEEN KANG-KAULUPALI, term to expire June 30, 2017, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 614, submitting for consideration and confirmation to the State Board of Nursing, the nomination of THOMAS JOSLYN, term to expire June 30, 2017, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 615, submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, the nomination of LOUISE CAYETANO, term to expire June 30, 2016, was referred to the Committee on Education.

Gov. Msg. No. 616, submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, the nomination of JUSTIN MEW, term to expire June 30, 2016, was referred to the Committee on Education.

Gov. Msg. No. 617, submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, the nomination of FELICIA VILLALOBOS, term to expire June 30, 2016, was referred to the Committee on Education.

Gov. Msg. No. 618, submitting for consideration and confirmation to the Enhanced 911 Board, the nomination of DAVE KAJIHIRO, term to expire June 30, 2015, was referred to the Committee on Economic Development, Government Operations and Housing.

Gov. Msg. No. 619, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nomination of KAINOA DAINES, term to expire June 30, 2014, was referred to the Committee on Economic Development, Government Operations and Housing.

Gov. Msg. No. 620, submitting for consideration and confirmation to the Stadium Authority, the nomination of KEITH BUKOSKI, term to expire June 30, 2017, was referred to the Committee on Economic Development, Government Operations and Housing.

Gov. Msg. No. 621, submitting for consideration and confirmation to the Stadium Authority, the nomination of CHARLES TOGUCHI, term to expire June 30, 2017, was referred to the Committee on Economic Development, Government Operations and Housing.

Gov. Msg. No. 622, submitting for consideration and confirmation to the Environmental Council, the nomination of PAUL CHANG, term to expire June 30, 2014, was referred to the Committee on Energy and Environment.

Gov. Msg. No. 623, submitting for consideration and confirmation to the Commission on Fatherhood, the nomination of SHANNON CARRIER, term to expire June 30, 2016, was referred to the Committee on Human Services.

Gov. Msg. No. 624, submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, the nomination of SUZIE SCHULBERG, term to expire

June 30, 2017, was referred to the Committee on Human Services.

Gov. Msg. No. 625, submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, the nomination of SARAH YUAN, term to expire June 30, 2017, was referred to the Committee on Human Services.

Gov. Msg. No. 626, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of FRANCINE KENYON, term to expire June 30, 2016, was referred to the Committee on Human Services.

Gov. Msg. No. 627, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of GRETCHEN LAWSON, term to expire June 30, 2015, was referred to the Committee on Human Services.

Gov. Msg. No. 628, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of ROBERT WALL, term to expire June 30, 2016, was referred to the Committee on Human Services.

Gov. Msg. No. 629, submitting for consideration and confirmation to the Board of Directors of the Research Corporation of the University of Hawai'i, the nomination of NATHANIEL KINNEY, term to expire June 30, 2017, was referred to the Committee on Higher Education.

Gov. Msg. No. 630, submitting for consideration and confirmation to the Board of Directors of the Research Corporation of the University of Hawai'i, the nomination of RAYNARD SOON, term to expire June 30, 2017, was referred to the Committee on Higher Education.

Gov. Msg. No. 631, submitting for consideration and confirmation to the Hawai'i Commission for National and Community Service, the nomination of ALBERT KIM, term to expire June 30, 2015, was referred to the Committee on Higher Education.

Gov. Msg. No. 632, submitting for consideration and confirmation to the Hawai'i Commission for National and Community Service, the nomination of NADINE NISHIOKA, term to expire June 30, 2015, was referred to the Committee on Higher Education.

Gov. Msg. No. 633, submitting for consideration and confirmation to the Hawai'i Commission for National and Community Service, the nomination of CLAUDE ONIZUKA, term to expire June 30, 2016, was referred to the Committee on Higher Education.

Gov. Msg. No. 634, submitting for consideration and confirmation to the Hawai'i Commission for National and Community Service, the nomination of CHRISTOPHER WONG, term to expire June 30, 2015, was referred to the Committee on Higher Education.

Gov. Msg. No. 635, submitting for consideration and confirmation to the Western Interstate Commission for Higher Education, the nomination of FRANCISCO HERNANDEZ, term to expire June 30, 2017, was referred to the Committee on Higher Education.

Gov. Msg. No. 636, submitting for consideration and confirmation to the Disability and Communication Access Board, the nomination of KIRBY SHAW, term to expire June 30, 2017, was referred to the Committee on Health.

Gov. Msg. No. 637, submitting for consideration and confirmation to the Emergency Medical Services Advisory Committee, the nomination of MARY MARASOVICH, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 638, submitting for consideration and confirmation to the Health Planning Council, Honolulu Subarea, the nomination of ALICIA DAMIEN LAU, term to expire June 30, 2016, was referred to the Committee on Health.

Gov. Msg. No. 639, submitting for consideration and confirmation to the Mental Health and Substance Abuse, Kaua'i Service Area Board, the nomination of SHEILA CALCAGNO, term to expire June 30, 2016, was referred to the Committee on Health.

Gov. Msg. No. 640, submitting for consideration and confirmation to the Mental Health and Substance Abuse, Maui Service Area Board, the nomination of LUCAS BRUNO, term to expire June 30, 2014, was referred to the Committee on Health.

Gov. Msg. No. 641, submitting for consideration and confirmation to the Mental Health and Substance Abuse, Maui Service Area Board, the nomination of PETER GONZALEZ, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 642, submitting for consideration and confirmation to the Mental Health and Substance Abuse, Maui Service Area Board, the nomination of KARIN PHANEUF, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 643, submitting for consideration and confirmation to the Mental Health and Substance Abuse, O'ahu Service Area Board, the nomination of SHIRLEY DAVENPORT, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 644, submitting for consideration and confirmation to the Radiologic Technology Board, the nomination of LARRY CARNES, term to expire June 30, 2016, was referred to the Committee on Health.

Gov. Msg. No. 645, submitting for consideration and confirmation to the State Council on Mental Health, the nomination of JONATHAN HARRIS, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 646, submitting for consideration and confirmation to the State Council on Mental Health, the nomination of STEVEN SHIRAKI, term to expire June 30, 2015, was referred to the Committee on Health.

Gov. Msg. No. 647, submitting for consideration and confirmation to the State Council on Mental Health, the nomination of G. NOELANI WILCOX, term to expire June 30, 2016, was referred to the Committee on Health.

Gov. Msg. No. 648, submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, the nomination of LANI EWART, term to expire June 30, 2017, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 649, submitting for consideration and confirmation to the Hoisting Machine Operators Advisory Board, the nomination of JOAQUIN DIAZ, term to expire June 30, 2017, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 650, submitting for consideration and confirmation to the Board of Directors of the Pacific International Space Center for Exploration Systems, the nomination of GALEN HO, term to expire June 30, 2017, was referred to the Committee on Public Safety, Intergovernmental and Military Affairs.

Gov. Msg. No. 651, submitting for consideration and confirmation to the Civil Defense Advisory Council, the

nomination of WILLIAM ANONSEN, term to expire June 30, 2017, was referred to the Committee on Public Safety, Intergovernmental and Military Affairs.

Gov. Msg. No. 652, submitting for consideration and confirmation to the Hawai'i Aerospace Advisory Committee, the nomination of MICHAEL MABERRY, term to expire June 30, 2015, was referred to the Committee on Public Safety, Intergovernmental and Military Affairs.

Gov. Msg. No. 653, submitting for consideration and confirmation to the Hawai'i Aerospace Advisory Committee, the nomination of MARK MCGUFFIE, term to expire June 30, 2015, was referred to the Committee on Public Safety, Intergovernmental and Military Affairs.

Gov. Msg. No. 654, submitting for consideration and confirmation to the Hawai'i Aerospace Advisory Committee, the nomination of PETER MOUGINIS-MARK, term to expire June 30, 2015, was referred to the Committee on Public Safety, Intergovernmental and Military Affairs.

Gov. Msg. No. 655, submitting for consideration and confirmation to the Hawai'i Aerospace Advisory Committee, the nomination of ELLIOT PULHAM, term to expire June 30, 2015, was referred to the Committee on Public Safety, Intergovernmental and Military Affairs.

Gov. Msg. No. 656, submitting for consideration and confirmation to the Hawai'i Aerospace Advisory Committee, the nomination of PETER QUIGLEY, term to expire June 30, 2015, was referred to the Committee on Public Safety, Intergovernmental and Military Affairs.

Gov. Msg. No. 657, submitting for consideration and confirmation to the Hawai'i Aerospace Advisory Committee, the nomination of DONALD STRANEY, term to expire June 30, 2015, was referred to the Committee on Public Safety, Intergovernmental and Military Affairs.

Gov. Msg. No. 658, submitting for consideration and confirmation to the State Foundation on Culture and the Arts Commission, the nomination of JOEL GUY, term to expire June 30, 2017, was referred to the Committee on Technology and the Arts.

Gov. Msg. No. 659, submitting for consideration and confirmation to the Aha Moku Advisory Committee, the nomination of FRANCES KALUHIWA, term to expire June 30, 2016, was referred jointly to the Committee on Tourism and Hawaiian Affairs and the Committee on Water and Land.

Gov. Msg. No. 660, submitting for consideration and confirmation to the Aha Moku Advisory Committee, the nomination of PIILANI KAAWALOA, term to expire June 30, 2016, was referred jointly to the Committee on Tourism and Hawaiian Affairs and the Committee on Water and Land.

Gov. Msg. No. 661, submitting for consideration and confirmation to the Aha Moku Advisory Committee, the nomination of KEITH ROBINSON, term to expire June 30, 2016, was referred jointly to the Committee on Tourism and Hawaiian Affairs and the Committee on Water and Land.

Gov. Msg. No. 662, submitting for consideration and confirmation to the Aha Moku Advisory Committee, the nomination of KYLE NAKANELUA, term to expire June 30, 2016, was referred jointly to the Committee on Tourism and Hawaiian Affairs and the Committee on Water and Land.

Gov. Msg. No. 663, submitting for consideration and confirmation to the Aha Moku Advisory Committee, the nomination of WINIFRED BASQUES, term to expire June 30,

2016, was referred jointly to the Committee on Tourism and Hawaiian Affairs and the Committee on Water and Land.

Gov. Msg. No. 664, submitting for consideration and confirmation to the Aha Moku Advisory Committee, the nomination of LESLIE KULOLOIO, term to expire June 30, 2016, was referred jointly to the Committee on Tourism and Hawaiian Affairs and the Committee on Water and Land.

Gov. Msg. No. 665, submitting for consideration and confirmation to the Aha Moku Advisory Committee, the nomination of KAREN POEPOE, term to expire June 30, 2016, was referred jointly to the Committee on Tourism and Hawaiian Affairs and the Committee on Water and Land.

Gov. Msg. No. 666, submitting for consideration and confirmation to the Aha Moku Advisory Committee, the nomination of THOMAS HASHIMOTO, term to expire June 30, 2016, was referred jointly to the Committee on Tourism and Hawaiian Affairs and the Committee on Water and Land.

Gov. Msg. No. 667, submitting for consideration and confirmation to the Board of Taxation Review, 1st Taxation District, the nomination of CURTIS SAIKI, term to expire June 30, 2017, was referred to the Committee on Ways and Means.

Gov. Msg. No. 668, submitting for consideration and confirmation to the Kahana Valley Living Park Planning Council, the nomination of BENJAMIN SHAFER, term to expire June 30, 2015, was referred to the Committee on Water and Land.

Gov. Msg. No. 669, submitting for consideration and confirmation to the Legacy Land Conservation Commission, the nomination of LORI BUCHANAN, term to expire June 30, 2016, was referred to the Committee on Water and Land.

Gov. Msg. No. 670, informing the Senate that on January 25, 2013, the Governor withdrew DARRYL OLIVEIRA, Gubernatorial Nominee to the Emergency Medical Services Advisory Committee, from consideration by the Senate (Gov. Msg. No. 540), was placed on file.

#### DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 63 to 67) were read by the Clerk and were placed on file:

Dept. Com. No. 63, from the University of Hawai'i dated January 3, 2013, transmitting the Annual Report on The Construction Academy Curriculum pursuant to Section 304A-1144, HRS.

Dept. Com. No. 64, from the University of Hawai'i dated January 3, 2013, transmitting the Annual Report on Research and Training Revolving Fund 2011-2012 pursuant to Section 304A-2253, HRS.

Dept. Com. No. 65, from the University of Hawai'i dated January 4, 2013, transmitting the 2012 Annual Report of the Research Corporation of the University of Hawaii pursuant to Section 304A-3007, HRS.

Dept. Com. No. 66, from the State Procurement Office dated January 16, 2013, transmitting the Monthly Report on the Status of Information Technology Procurements for the month of December 2012 through January 15, 2013, pursuant to Act 222, SLH 2012.

Dept. Com. No. 67, from the Office of Elections dated January 18, 2013, transmitting a Report Relating to Office of Election Budget Provisions for the period October 1, 2012 through December 31, 2012 pursuant to Act 164, Section 31, SLH 2011.

#### HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 4) was read by the Clerk and was disposed of as follows:

Hse. Com. No. 4, transmitting H.B. No. 26, H.D. 1, which passed Third Reading in the House of Representatives on January 28, 2013, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 26, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, THE OMBUDSMAN, AND THE ETHICS COMMISSION," passed First Reading by title and was referred to the Committee on Ways and Means.

#### SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 25) was read by the Clerk and was disposed of as follows:

S.C.R. No. 25 "SENATE CONCURRENT RESOLUTION AWARDING THE HAWAII MEDAL OF HONOR TO UNITED STATES MILITARY SERVICE MEMBERS WITH HAWAII CONNECTIONS KILLED IN ACTION WHILE SERVING IN DANGEROUS, VOLATILE, AND UNSTABLE AREAS OF THE WORLD, INCLUDING IRAQ AND AFGHANISTAN,"

Offered by: Senator Kim.

On motion by Senator Espero, seconded by Senator Slom and carried, S.C.R. No. 25 was adopted.

#### ORDER OF THE DAY

##### RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

S.B. No.:	Re-referred to:
S.B. No. 414	Committee on Judiciary and Labor, then jointly to the Committee on Commerce and Consumer Protection and the Committee on Ways and Means
S.B. No. 1304	Jointly to the Committee on Economic Development, Government Operations and Housing and the Committee on Public Safety, Intergovernmental and Military Affairs, then to the Committee on Ways and Means

#### ADJOURNMENT

At 11:44 a.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Wednesday, January 30, 2013.