

NINTH DAY

Thursday, January 31, 2013

The Senate of the Twenty-Seventh Legislature of the State of Hawai'i, Regular Session of 2013, convened at 11:35 a.m. with the President in the Chair.

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

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

At this time, Senator Ihara introduced two university student interns from Beijing: Zhang Yiyao, a sophomore majoring in mathematic economics and mathematic finance at the Central University of Finance and Economics; and Ren Siyi, a sophomore majoring in law at China University of Policial Science and Law. Senator Ihara also recognized Representative Karen Awana for her efforts in coordinating the intern program.

Senator Keith-Agaran introduced Jared Agtunong, a senior at Maui High School who was serving as an intern as part of his senior project.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 203 to 209) were read by the Clerk and were placed on file:

Gov. Msg. No. 203, letter dated January 25, 2013, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 1030, which makes an appropriation to staff and support the Hawaii Refinery Task Force.

Gov. Msg. No. 204, letter dated January 25, 2013, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 1063, which provides fund authorizations and appropriations for collective bargaining cost items in the arbitrated settlement for collective bargaining unit 9 and its excluded counterparts for fiscal biennium 2011-2013.

Gov. Msg. No. 205, letter dated January 25, 2013, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 1064, which provides fund authorizations and appropriations for collective bargaining cost items in the arbitrated settlement for collective bargaining unit 10 and its excluded counterparts for fiscal biennium 2011-2013.

Gov. Msg. No. 206, letter dated January 25, 2013, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 1065, which provides fund authorizations and appropriations for collective bargaining cost items in the arbitrated settlement for collective bargaining unit 11 and its excluded counterparts for fiscal biennium 2011-2013.

Gov. Msg. No. 207, letter dated January 25, 2013, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 1102, which appropriates funds from the Hospital Sustainability Program Special Fund.

Gov. Msg. No. 208, letter dated January 25, 2013, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 1103, which appropriates funds from the Nursing Facility Sustainability Program Special Fund.

Gov. Msg. No. 209, letter dated January 25, 2013, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 1174, which appropriates funds for costs in the Office of the Lieutenant Governor, the Department of Accounting and General Services, and the Department of Public Safety for costs associated with the operations of the Office of the Lieutenant Governor.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 70 to 72) were read by the Clerk and were placed on file:

Dept. Com. No. 70, from the Department of Education dated January 16, 2013, transmitting its Operating Budget Request, Fiscal Biennium 2013-2015.

Dept. Com. No. 71, from the Hawaii Health Systems Corporation dated January 22, 2013, transmitting the Annual Audit and Report for FY2012 pursuant to Section 323F-22, HRS.

Dept. Com. No. 72, from the University of Hawai'i dated January 29, 2013, transmitting the Annual Report on General Fund Transfers FYE2012 pursuant to Section 37-74(d), HRS.

HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 5) was read by the Clerk and was placed on file:

Hse. Com. No. 5, returning S.C.R. No. 25, which was adopted by the House of Representatives on January 30, 2013.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 27 and 28) were read by the Clerk and were deferred:

S.C.R. No. 27 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO MEET WITH INTERESTED PARTIES TO EXAMINE THE FEASIBILITY OF ESTABLISHING A BOXING PILOT PROGRAM IN AT LEAST ONE OF HAWAII'S PUBLIC HIGH SCHOOLS."

Offered by: Senators Keith-Agaran, Espero, Galuteria, Solomon, Tokuda, Wakai.

S.C.R. No. 28 "SENATE CONCURRENT RESOLUTION REQUESTING THE CONSUMER ADVOCATE TO ESTABLISH A WORK GROUP TO EXAMINE HAWAIIAN ELECTRIC UTILITIES' TARIFF RULE NO. 14H TO DEVELOP METHODS AND PROCEDURES TO FACILITATE THE INCREASE IN PHOTOVOLTAIC SYSTEMS AND NET ENERGY METERING IN THE STATE."

Offered by: Senators Keith-Agaran, Baker, English, Green, Ihara, Ruderman, Gabbard, Thielen, Wakai.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 8 and 9) were read by the Clerk and were disposed of as follows:

S.R. No. 8 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO MEET WITH INTERESTED PARTIES TO EXAMINE THE FEASIBILITY OF ESTABLISHING A BOXING PILOT PROGRAM IN AT LEAST ONE OF HAWAII'S PUBLIC HIGH SCHOOLS."

Offered by: Senators Keith-Agaran, Espero, Galuteria, Solomon, Tokuda, Wakai.

By unanimous consent, action on S.R. No. 8 was deferred.

S.R. No. 9 “SENATE RESOLUTION ADOPTING THE SENATE ADMINISTRATIVE AND FINANCIAL MANUAL OF THE SENATE OF THE TWENTY-SEVENTH LEGISLATURE.”

Offered by: Senators Galuteria, Slom.

On motion by Senator Espero, seconded by Senator Slom and carried, S.R. No. 9 was adopted.

STANDING COMMITTEE REPORT

Senator English, for the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 5) recommending that S.B. No. 337, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 337, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STATEWIDE TRAFFIC CODE,” passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILLS

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

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| S.B. No.: | Re-referred to: |
| S.B. No. 915 | Committee on Commerce and Consumer Protection, then to the Committee on Judiciary and Labor |
| S.B. No. 941 | Jointly to the Committee on Technology and the Arts and the Committee on Public Safety, Intergovernmental and Military Affairs, then jointly to the Committee on Commerce and Consumer Protection and the Committee on Judiciary and Labor |
| S.B. No. 1229 | Jointly to the Committee on Transportation and International Affairs, the Committee on Public Safety, Intergovernmental and Military Affairs, and the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means |
| S.B. No. 1238 | Committee on Health, then to the Committee on Ways and Means |
| S.B. No. 1271 | Jointly to the Committee on Energy and Environment and the Committee on Health, then to the Committee on Ways and Means |
| S.B. No. 1290 | Jointly to the Committee on Energy and Environment, the Committee on Agriculture, and the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means |
| S.B. No. 1369 | Committee on Judiciary and Labor, then to the Committee on Ways and Means |

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

“First of all, let me say what a beautiful manicure job you have. I’m so happy that the monopoly newspaper picked up on that and decided that was a major piece and a story.

“It has come to my attention that one or more of my colleagues was critical of me for not being in a particular hearing for a particular vote. Really? I know that there are 24 of you and 1 of me. I know that I’m on every committee. I know that I strive to be a good attendee and participant. I know that at the alleged complaint, which was made public, that I was in an Education Committee hearing with the Governor yesterday. So, I just wanted to reiterate to my colleagues that I will do everything possible to be in all 16 committees – particularly when we have 3 or 4 meeting at once – I’ll try to do that, spread my wings and spread whatever else has to be spread, that you can always count on me. But I guess my real question is: There are so many of you, why don’t we have quorum in some of those committees at the time? Why does it depend on me? But I’m able for the job. I look forward to it. Or I can always say, ‘WTF? What’s going on here?’ I’ll be there. Thank you, Madam President.”

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

“The previous speaker, being only one, is free to excuse himself from the Committee on JDL because we always know he’s around. So, he can have one less committee that he has to attend. Although we enjoy his attendance, he’s free to excuse himself from JDL. Believe me, we’ll never ask and we’ll never complain in his absence.”

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., Friday, February 1, 2013.