

FOURTEENTH DAY

Thursday, February 7, 2013

The Senate of the Twenty-Seventh Legislature of the State of Hawai'i, Regular Session of 2013, convened at 11:38 a.m. with the President in the Chair.

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

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

At this time, Senator Taniguchi introduced a group of 46 students from Lincoln Elementary School who were accompanied by teachers Ms. Kathy Terada and Mrs. Hiura, and chaperones Ms. Brenner and Mrs. Burns.

Senator Kouchi, on behalf of Senator Kim, introduced a group of fourth-grade students from Fern Elementary along with their teacher Mary Sueoka and chaperones Aimee Niwa, Laura Marrero, and Mark Atta.

Senator Gabbard introduced Shiv Kumar, Sugandhi Sivakumar, and Claudia Vierneisel who work for Aquent IT Solutions in Illinois with Bill Davis, Senator Gabbard's brother-in-law.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 223 and 224) were read by the Clerk and were placed on file:

Gov. Msg. No. 223, dated November 8, 2012, transmitting the Office of Information Management and Technology Procurement Report as of September 2012, pursuant to Act 222, SLH 2012.

Gov. Msg. No. 224, dated December 14, 2012, transmitting the Fiscal Year 2012 Annual Report of Hawaii Correctional Industries, prepared by the Department of Public Safety pursuant to Section 354D-3.5, HRS.

STANDING COMMITTEE REPORTS

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 109) recommending that S.B. No. 1102 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. 1102, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES FROM THE HOSPITAL SUSTAINABILITY PROGRAM SPECIAL FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 110) recommending that S.B. No. 1103 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. 1103, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES FROM THE NURSING FACILITY SUSTAINABILITY PROGRAM SPECIAL FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 111) recommending that S.B. No. 1100 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. 1100, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL ASSISTANCE PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 112) recommending that S.B. No. 1209, as amended in S.D. 1, pass Second Reading and 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.B. No. 1209, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Gabbard, for the majority of the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 113) recommending that S.B. No. 1131, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 1131, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 114) recommending that S.B. No. 1130, 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. 1130, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the majority of the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 115) recommending that S.B. No. 1133, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 1133, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 116) recommending that S.B. No. 1280, 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. 1280, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE

REVENUE BONDS TO ASSIST A SEAWATER PROJECT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 117) recommending that S.B. No. 120, as amended in S.D. 1, be recommitted 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.B. No. 120, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," was recommitted to the Committee on Commerce and Consumer Protection.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 118) recommending that S.B. No. 242, 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. 242, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 119) recommending that S.B. No. 458, 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. 458, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE EDUCATIONAL FACILITIES IMPROVEMENT SPECIAL FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tokuda, Dela Cruz, and Wakai, for the Committee on Education and the Committee on Economic Development, Government Operations and Housing and the Committee on Technology and the Arts, presented a joint report (Stand. Com. Rep. No. 120) recommending that S.B. No. 243 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 243, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 121) recommending that S.B. No. 892 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 892, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 122) recommending that S.B. No. 791, 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. 791, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXABLE INCOME EXCLUSION," passed Second

Reading and was referred to the Committee on Ways and Means.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 123) recommending that S.B. No. 188, as amended in S.D. 1, be recommitted 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. 188, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was recommitted to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 124) recommending that S.B. No. 328, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 328, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 11, 2013.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 125) recommending that S.B. No. 839 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 839, entitled: "A BILL FOR AN ACT RELATING TO POLICE DEPARTMENT REPORTS TO THE LEGISLATURE," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 8, 2013.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 126) recommending that H.B. No. 26, H.D. 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and 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 Second Reading and was placed on the calendar for Third Reading on Friday, February 8, 2013.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 127) recommending that S.B. No. 1116, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1116, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEFINITION OF PUBLIC HOUSING PROJECT," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 11, 2013.

Senators Chun Oakland and Baker, for the Committee on Human Services and the Committee on Commerce and Consumer Protection, presented a joint report (Stand. Com. Rep. No. 128) recommending that S.B. No. 939 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 939, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 129) recommending that S.B. No. 944 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 944, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUORS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

ORDER OF THE DAY

THIRD READING

S.B. No. 54, S.D. 1:

Senator Green moved that S.B. No. 54, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

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

The Senate reconvened at 11:44 a.m.

Senator Solomon rose to speak in support of the measure with reservations as follows:

"Anyway, I'm going to be voting on this bill with reservations, and would like to note my reason for that simply because I normally do not vote with reservations on a bill that's just first, second, third reading – I normally would wait until the end. But anyway, I want to apologize that I didn't make the caucus. I just have a problem in voting on anything where we're giving lifetime membership to any kind of organization. I think that we should leave our options open. I don't know who's going to be sitting in my chair in the future, and maybe they have better persons that they think could help with our situation on aging. And that's the rationale that I'm urging my colleagues to really consider those thoughts. Thank you very much."

Senator Slom rose to speak in support of the measure with reservations as follows:

"I must admit: my colleague, until she explained it to me, I thought we were voting to ban aging, and I was going to support that since we ban so many things here.

"I know that boards and commissions have a very difficult time in terms of quorum and in terms of even getting people to volunteer, and that's important, but I don't think a lifetime appointment without reservations is the way to go, so I think we should consider that. Thank you."

Senator Baker rose to speak in support of the measure as follows:

"I regret that the subject matter chair is not on the floor, but actually what this does is allow individuals to continue to be on PABEA in an honorary capacity. The lifetime members are not ex-officio members, they would not be a part of quorum requirements, and they wouldn't be voting. The policy board would recommend to the Governor, and the Governor would issue this honorific title for someone who had been on the policy board for a time and give them an opportunity to continue their service – but it would not impact in any way the actual size or working of this board. I just wanted to clarify that for the members. Thank you."

The motion was put by the Chair and carried, S.B. No. 54, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Slom, Solomon). Noes, none. Excused, 2 (Chun Oakland, Shimabukuro).

S.B. No. 44, S.D. 1:

On motion by Senator Green, seconded by Senator Espero and carried, S.B. No. 44, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chun Oakland, Shimabukuro).

STANDING COMMITTEE REPORTS

Senator Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 130) recommending that S.B. No. 137, as amended in S.D. 1, be recommitted to the Committee on Health.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 137, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was recommitted to the Committee on Health.

Senator Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 131) recommending that S.B. No. 138, as amended in S.D. 1, be recommitted to the Committee on Health.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 138, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was recommitted to the Committee on Health.

At this time, Senator Kouchi noted the presence of Carol Gabbard, wife of Senator Mike Gabbard, who was seated in the gallery.

ADJOURNMENT

At 11:49 a.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Friday, February 8, 2013.