

THIRTY-THIRD DAY

Monday, March 18, 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 Senators Ihara and Taniguchi who were excused.

The President announced that she had read and approved the Journal of the Thirty-Second Day.

At this time, Senators Chun Oakland, Ige, and Nishihara introduced Pearl City Elementary School teacher Russell Minobe and his students Hannah Peczkowski, Nicole Alferos, Malcolm Elijah Sharp, Zayden Tolentino, and Haley Fujino who were visiting the Capitol to learn about the legislative process. The students were accompanied by parents Matt and Heather Grudzien and Malcolm Sharp.

Senator Wakai introduced the following group of robotics students and their advisors: Farrington High School students Cherrysse Ulsa, Rachel Dela Cruz, Jerry Callangan, and Zachary Caldetera, and their advisor Bebi Davis; Kalakaua Middle School students Jerry Killion, Matthew Dufale, and Janine Mabuti, and their advisor Michelle Kay; and Moanalua Middle School students Jennifer Tse, Erin Kajihiro, Tyler Kamei, Kody Yoneda, and Kylan Tomita, and their advisors David Arakaki, Brian Kaneshiro, and Erik Okamura.

Senator Kouchi introduced Jonathan Caspillo and Melody Rita, students from Kaua'i High School and Kaua'i Community College who were accompanied by Jonathan's grandmother and former Senate employee Carol Caspillo in the gallery.

Senator Ige congratulated the following members of the Pearl City High School girls wrestling team for winning the 2013 State Championship: Kristin Roche, Sarah Alegria, Xandria Ford, Joen Tominaga, Asia Evans, Kaimi Evans, Netanya Kang, Janelle Fuamatu, Ariana Fernandez, and Alexis Ford. Also acknowledged were Head Coach Mike Lee and his wife China, Coach Bryson Pascua, Justin Fuentes, Torey Seminara, and team parent Mahea Evans.

Senator Hee introduced Daniel and Daria King from Maryland who were visiting the islands for the first time since 1965.

Senator Espero welcomed Per Liljas, a Swedish journalist currently living in New York City who was working on a book about reforms in the United States criminal justice system.

Senator Chun Oakland introduced the following guests who were at the Capitol for an informational briefing for Smart Approaches to Marijuana and Coalition for a Drug-Free Hawaii: Congressman Patrick Kennedy, former U.S. Representative from Rhode Island's First Congressional District; Kevin Sabet, former senior advisor on drug policy to President Obama; John Redman, executive director of Californians for Drug Free Policy; Alan Shinn, executive director of the Coalition for a Drug-Free Hawaii; Keith Kamita, deputy director for the Department of Public Safety; Larry Burnett, Hawaii HIDTA; and Florence Nakakuni, U.S. District Attorney for the State of Hawai'i.

Senator Slom introduced the following members of the Kalani High School robotics team who would be participating in the First Robotics Competition at the University of California, Davis: students Koi Le, Kevin Williams, Jimmy Nguyen, Camelia Lai, Courtney Goo, and Madisyn Sim, and their advisor Bryan Silver.

Senator Kahele welcomed Nana Linda, a friend from Hilo who was celebrating her 80th birthday and was accompanied by her friends Dennis, Danny, and Alan in the gallery.

Senator Ruderman recognized activist Walter Ritte and his family who were seated in the gallery.

Senator Tokuda, on behalf of Senator Taniguchi, introduced the following robotics teams from various schools: Stevenson Middle School students Blake Ikeda, Megan Tana, Jackson Xu, Jackie Callejo, William Li, Willy Chang, Aaron Segawa, Chloe Shigeoka, and Juliana Chang, and their advisors Julia Segawa, Craig Segawa, and Vice Principal Daniel Addis; and Ka'ahumanu Elementary School students Lynnette Tanaka, Hannah Gang, Jordan Wong, Kila Aisea, and Ye Won Han, and their advisors Janice Noguchi and Kimberly Noguchi.

Senator Tokuda commended KCAA Preschools of Hawaii for its focus on early childhood education and teacher development, and acknowledged Board of Trustees Chairman Kimo Steinwascher and President Christina Cox for their roles in the development of the Center for Early Education and Development. Senator Tokuda also acknowledged Michelle Kuamoo, Mitch D'Olier, and Terry George from the Harold K.L. Castle Foundation and Kaneohe Ranch Management; Terry Lock; and advocates of early childhood education who were seated in the gallery.

Senator Kidani recognized the Hawaii Association for the Education of Young Children for promoting early childhood education for 40 years, and introduced Association Manager Charis Murata.

Senator Shimabukuro commended Dr. Robert Peters, head of Hanahau'oli School, for his advocacy of early childhood education, and recognized the Hanahau'oli School Board members who were present in the gallery.

At 11:59 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:04 p.m.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 92 and 93) were read by the Clerk and were placed on file:

Dept. Com. No. 92, from the University of Hawai'i dated February 26, 2013, transmitting the Semi-Annual Report on Hawai'i Cancer Research Special Fund pursuant to Section 304A-2168, HRS.

Dept. Com. No. 93, from the University of Hawai'i dated February 27, 2013, transmitting the Report on Uses of University of Hawai'i Special Funds to Finance Projects Where the Method of Financing is Designated to be by University of Hawai'i Revenue Bonds pursuant to Act 164, Section 69, SLH 2011.

HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 379) was read by the Clerk and was disposed of as follows:

Hse. Com. No. 379, transmitting H.C.R. No. 46, which was adopted by the House of Representatives on March 15, 2013, was placed on file.

By unanimous consent, action on H.C.R. No. 46, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE

SUBMERGED LANDS AT LANIKAI, KOOLAPOKO, OAHU, FOR SEAWALL AND REVETMENT PURPOSES," was deferred.

STANDING COMMITTEE REPORTS

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 878) recommending that H.B. No. 868 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 H.B. No. 868, entitled: "A BILL FOR AN ACT RELATING TO ELIMINATING THE ASSET LIMIT ELIGIBILITY REQUIREMENT FOR THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM," 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. 879) recommending that H.B. No. 872 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 H.B. No. 872, 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. 880) recommending that H.B. No. 880, H.D. 2, 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 H.B. No. 880, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NURSING FACILITY SUSTAINABILITY PROGRAM," 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. 881) recommending that H.B. No. 986, H.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 H.B. No. 986, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CARE SERVICES," 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. 882) recommending that H.B. No. 1375, 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 H.B. No. 1375, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," 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. 883)

recommending that H.B. No. 1432, H.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 H.B. No. 1432, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGING AND DISABILITY RESOURCE CENTERS," 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. 884) recommending that H.B. No. 87, as amended in S.D. 1, 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 H.B. No. 87, S.D. 1, 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. 885) recommending that H.B. No. 178, H.D. 1, 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 H.B. No. 178, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTINUING EDUCATION," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 886) recommending that H.B. No. 518, H.D. 2, 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 H.B. No. 518, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," 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. 887) recommending that H.B. No. 514, H.D. 2 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 H.B. No. 514, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," 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. 888) recommending that H.B. No. 519, H.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 H.B. No. 519, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," 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. 889) recommending that H.B. No. 521 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 H.B.

No. 521, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," 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. 890) recommending that H.B. No. 951, H.D. 1, as amended in S.D. 1, 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 H.B. No. 951, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SERVICE OF PROCESS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 891) recommending that H.B. No. 1264, H.D. 2, 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 H.B. No. 1264, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," 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. 892), recommending that S.C.R. No. 26 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.C.R. No. 26, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF PUBLIC SAFETY TO CONTINUE AND EXPAND ITS STRUCTURED COMMUNITY PLACEMENT PROGRAMS," 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. 893) recommending that H.B. No. 791, H.D. 1, as amended in S.D. 1, 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 H.B. No. 791, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 894) recommending that H.B. No. 841, H.D. 1, 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 H.B. No. 841, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," 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. 895) recommending that H.B. No. 877, H.D. 1, as amended in S.D. 1, 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 H.B. No. 877, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DESIGNEES FOR THE DIRECTORS OF THE DEPARTMENTS OF COMMERCE AND CONSUMER AFFAIRS, OF HEALTH, OF HUMAN SERVICES, AND OF LABOR AND INDUSTRIAL RELATIONS FOR THE BOARD OF DIRECTORS OF THE HAWAII HEALTH INSURANCE EXCHANGE," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 896) recommending that the Senate advise and consent to the nomination of ALICIA DAMIEN LAU to the Health Planning Council, Honolulu Subarea, in accordance with Gov. Msg. No. 638.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 896 and Gov. Msg. No. 638 was deferred until Tuesday, March 19, 2013.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 897) recommending that the Senate advise and consent to the nomination of SHEILA CALCAGNO to the Mental Health and Substance Abuse, Kaaui Service Area Board, in accordance with Gov. Msg. No. 639.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 897 and Gov. Msg. No. 639 was deferred until Tuesday, March 19, 2013.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 898) recommending that the Senate advise and consent to the nomination of DAVID KOPEC to the Health Planning Council, Hawai'i County Subarea, in accordance with Gov. Msg. No. 546.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 898 and Gov. Msg. No. 546 was deferred until Tuesday, March 19, 2013.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 899) recommending that the Senate advise and consent to the nominations to the Mental Health and Substance Abuse, Maui Service Area Board of the following:

CHIREE SOUZA, in accordance with Gov. Msg. No. 549;

LUCAS BRUNO, in accordance with Gov. Msg. No. 640;

PETER GONZALEZ, in accordance with Gov. Msg. No. 641; and

KARIN PHANEUF, in accordance with Gov. Msg. No. 642.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 899 and Gov. Msg. Nos. 549, 640, 641, and 642 was deferred until Tuesday, March 19, 2013.

ORDER OF THE DAY

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM FRIDAY, MARCH 15, 2013

Stand. Com. Rep. No. 875 (S.R. No. 31, S.D. 1):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 31, S.D. 1, entitled: "SENATE RESOLUTION URGING THE GOVERNOR, DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII,

BOARD OF EDUCATION, AND HAWAII'S CONGRESSIONAL DELEGATION TO STRENGTHEN THE SISTER-STATE RELATIONSHIP WITH TAIWAN IN COMMEMORATION OF THE TWENTIETH ANNIVERSARY OF THE SISTER-STATE RELATIONSHIP BETWEEN HAWAII AND TAIWAN," was adopted.

Stand. Com. Rep. No. 876 (S.C.R. No. 61, S.D. 1):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 61, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR, DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII, BOARD OF EDUCATION, AND HAWAII'S CONGRESSIONAL DELEGATION TO STRENGTHEN THE SISTER-STATE RELATIONSHIP WITH TAIWAN IN COMMEMORATION OF THE TWENTIETH ANNIVERSARY OF THE SISTER-STATE RELATIONSHIP BETWEEN HAWAII AND TAIWAN," was adopted.

THIRD READING

H.B. No. 941:

On motion by Senator Solomon, seconded by Senator Galuteria and carried, H.B. No. 941, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL AREA RESERVES SYSTEM COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ihara, Taniguchi).

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 709 and 710) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 709, submitting for consideration and confirmation to the Land Use Commission, the nomination of DENNIS ESAKI, term to expire June 30, 2017, was referred to the Committee on Water and Land.

Gov. Msg. No. 710, submitting for consideration and confirmation to the Land Use Commission, the nomination of CAROL TORIGOE, term to expire June 30, 2017, was referred to the Committee on Water and Land.

Senator Galuteria, Chair of the Committee on Tourism and Hawaiian Affairs, requested a waiver of the notice requirement pursuant to Senate Rule 21 to hold a public hearing on H.B. No. 222, H.D. 2.

Senator Galuteria noted:

"This is with regard to the budget of the Office of Hawaiian Affairs and the receipt of the information needed to proceed to the committee process."

The Chair granted the waiver.

Senator Galuteria announced that the Committee on Tourism and Hawaiian Affairs would hold a public hearing on H.B. No. 222, H.D. 2 on Wednesday, March 20, 2013, at 2:45 p.m. in Conference Room 224.

RE-REFERRAL OF A HOUSE BILL

The Chair re-referred the following House bill that was received:

H.B. No.: Re-referred to:

H.B. No. 1287, H.D. 1 Jointly to the Committee on Technology and the Arts and the

Committee on Commerce and Consumer Protection

ADJOURNMENT

At 12:07 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Tuesday, March 19, 2013.