

SIXTIETH DAY

Thursday, May 2, 2013

The Senate of the Twenty-Seventh Legislature of the State of Hawai'i, Regular Session of 2013, convened at 10:21 a.m. with the President in the Chair.

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

The President announced that she had read and approved the Journal of the Fifty-Ninth Day.

At this time, Senator Kouchi introduced Wesley Yonamine, an auxiliary staff member of his office who was known for various specialty dishes, and thanked him for his culinary skills.

Senator English noted the presence of Danny Mateo in the gallery, who was from Moloka'i and served as the executive assistant to the Mayor of Maui County.

Senator Espero introduced members of his staff including session staff Venus Delos Santos and Elise Anderson, and permanent staff Marlene Uesugi and Ryan Toyomura.

Senator Gabbard thanked Carlton Saito, his committee clerk for the last five legislative sessions who was moving on to greener pastures.

Senator Chun Oakland recognized her staff present in the gallery, including committee clerk Tyrell Ma'ae, committee assistant Linda Nunes, and public relations assistant Leiolani Oyama.

Senator Green noted the presence of his staff in the gallery, including George Massengale, Seth Kuklinsky, Feleai Tau, Allen McCune, and John Gollner.

Senator Nishihara introduced Amanda Ehe, his stellar committee clerk for the Committee on Agriculture, and recognized his permanent staff Priscilla Kubota and Wayne Nakatsu.

Senator Galuteria extended a big aloha nui loa to Dale Uno, who had served on his staff and was also moving on to greener pastures.

Senator Keith-Agaran introduced Mr. Ed Garcia, one of his sister Velma's best friends.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 273 and 1157 to 1171) were read by the Clerk and were placed on file:

Gov. Msg. No. 273, dated April 25, 2013, transmitting the Hawai'iGAS 2012 Renewable Energy Annual Report, prepared by The Gas Company, LLC and submitted to the Public Utilities Corporation pursuant to Section 269-45, HRS.

Gov. Msg. No. 1157, informing the Senate that on April 30, 2013, the Governor signed into law Senate Bill No. 1045, S.D. 1, H.D. 2 as Act 57, entitled: "RELATING TO ELECTRIC COOPERATIVES."

Gov. Msg. No. 1158, informing the Senate that on April 30, 2013, the Governor signed into law Senate Bill No. 1197, S.D. 1, H.D. 1 as Act 58, entitled: "RELATING TO THE DEPARTMENT OF TAXATION SPECIAL ENFORCEMENT SECTION."

Gov. Msg. No. 1159, informing the Senate that on April 30, 2013, the Governor signed into law Senate Bill No. 1191,

S.D. 1, H.D. 1 as Act 59, entitled: "RELATING TO BOARDS OF REVIEW."

Gov. Msg. No. 1160, informing the Senate that on April 30, 2013, the Governor signed into law Senate Bill No. 1188, S.D. 1, H.D. 1 as Act 60, entitled: "RELATING TO THE ESTATE AND GENERATION-SKIPPING TRANSFER TAXES."

Gov. Msg. No. 1161, informing the Senate that on April 30, 2013, the Governor signed into law Senate Bill No. 1020, S.D. 1, H.D. 1 as Act 61, entitled: "RELATING TO CHARITABLE SOLICITATION."

Gov. Msg. No. 1162, informing the Senate that on April 30, 2013, the Governor signed into law Senate Bill No. 61, S.D. 1, H.D. 1 as Act 62, entitled: "RELATING TO JUVENILES."

Gov. Msg. No. 1163, informing the Senate that on April 30, 2013, the Governor signed into law Senate Bill No. 30, S.D. 1, H.D. 1 as Act 63, entitled: "RELATING TO CAMPAIGN SPENDING."

Gov. Msg. No. 1164, informing the Senate that on April 30, 2013, the Governor signed into law Senate Bill No. 1016, S.D. 1, H.D. 2 as Act 64, entitled: "RELATING TO REGISTRATION OF COVERED OFFENDERS."

Gov. Msg. No. 1165, informing the Senate that on April 30, 2013, the Governor signed into law Senate Bill No. 512, S.D. 1, H.D. 2 as Act 65, entitled: "RELATING TO ELECTRICAL CONTRACTORS."

Gov. Msg. No. 1166, informing the Senate that on April 30, 2013, the Governor signed into law Senate Bill No. 1177, H.D. 1 as Act 66, entitled: "RELATING TO THE REENTRY COMMISSION."

Gov. Msg. No. 1167, informing the Senate that on April 30, 2013, the Governor signed into law Senate Bill No. 1183, S.D. 2, H.D. 1 as Act 67, entitled: "RELATING TO INTAKE SERVICE CENTERS."

Gov. Msg. No. 1168, informing the Senate that on April 30, 2013, the Governor signed into law Senate Bill No. 1180, H.D. 1 as Act 68, entitled: "RELATING TO EMERGENCY SCHEDULING OF CONTROLLED SUBSTANCES."

Gov. Msg. No. 1169, informing the Senate that on April 30, 2013, the Governor signed into law Senate Bill No. 888, H.D. 1 as Act 69, entitled: "RELATING TO CHILD SUPPORT ENFORCEMENT."

Gov. Msg. No. 1170, informing the Senate that on April 30, 2013, the Governor signed into law Senate Bill No. 332, S.D. 1, H.D. 2 as Act 70, entitled: "RELATING TO WAGES."

Gov. Msg. No. 1171, informing the Senate that on April 30, 2013, the Governor signed into law Senate Bill No. 400, S.D. 1, H.D. 1 as Act 71, entitled: "RELATING TO HUMAN SERVICES."

DEPARTMENTAL COMMUNICATION

The following communication (Dept. Com. No. 105) was read by the Clerk and was placed on file:

Dept. Com. No. 105, from the Office of Elections dated April 30, 2013, transmitting a Report Relating to Office of Election Budget Provisions pursuant to Act 164, SLH 2011.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 758 to 761) were read by the Clerk and were placed on file:

Hse. Com. No. 758, informing the Senate that on April 30, 2013, the House reconsidered its action taken on April 11, 2013, in disagreeing to the amendments proposed by the Senate to H.B. No. 841, H.D. 1 (S.D. 1).

Hse. Com. No. 759, informing the Senate that on April 30, 2013, the House agreed to the amendments proposed by the Senate to the following House concurrent resolutions and said resolutions were Finally Adopted in the House of Representatives:

H.C.R. No. 96, H.D. 2, S.D. 1;
H.C.R. No. 99, H.D. 1, S.D. 1; and
H.C.R. No. 129, H.D. 2, S.D. 1.

Hse. Com. No. 760, informing the Senate that on April 30, 2013, the House agreed to the amendments proposed by the Senate to the following House bills and said bills passed Final Reading in the House of Representatives:

H.B. No. 17, H.D. 1, S.D. 2;
H.B. No. 514, H.D. 2, S.D. 1;
H.B. No. 529, H.D. 1, S.D. 2;
H.B. No. 791, H.D. 1, S.D. 1;
H.B. No. 800, H.D. 1, S.D. 2;
H.B. No. 847, H.D. 2, S.D. 1;
H.B. No. 879, H.D. 2, S.D. 1;
H.B. No. 880, H.D. 2, S.D. 2;
H.B. No. 1328, H.D. 1, S.D. 1;
H.B. No. 1388, H.D. 1, S.D. 1; and
H.B. No. 1412, S.D. 2.

Hse. Com. No. 761, informing the Senate that on April 30, 2013, the following bills passed Final Reading in the House of Representatives:

H.B. No. 21, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 25, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 31, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 32, S.D. 1, C.D. 1;
H.B. No. 51, S.D. 1, C.D. 1;
H.B. No. 62, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 65, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 87, S.D. 2, C.D. 1;
H.B. No. 114, H.D. 3, S.D. 2, C.D. 1;
H.B. No. 120, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 144, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 152, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 197, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 200, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 218, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 222, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 235, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 266, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 353, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 398, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 417, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 423, S.D. 1, C.D. 1;
H.B. No. 424, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 430, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 471, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 536, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 546, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 560, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 587, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 632, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 635, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 652, S.D. 2, C.D. 1;

H.B. No. 653, S.D. 1, C.D. 1;
H.B. No. 656, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 668, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 672, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 673, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 697, S.D. 1, C.D. 1;
H.B. No. 726, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 749, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 762, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 763, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 775, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 785, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 805, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 816, S.D. 1, C.D. 1;
H.B. No. 820, S.D. 1, C.D. 1;
H.B. No. 833, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 848, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 858, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 888, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 899, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 908, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 924, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 928, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 951, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 977, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 988, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 1068, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 1132, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1136, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 1137, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 1147, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 1149, H.D. 3, S.D. 2, C.D. 1;
H.B. No. 1187, S.D. 2, C.D. 1;
H.B. No. 1203, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1207, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1263, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 1279, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 1287, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1374, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1381, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 1396, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 1405, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 1424, S.D. 2, C.D. 1;
H.B. No. 1430, H.D. 2, S.D. 2, C.D. 1;
S.B. No. 3, S.D. 1, H.D. 2, C.D. 1;
S.B. No. 5, S.D. 1, H.D. 1, C.D. 1;
S.B. No. 6, S.D. 1, H.D. 1, C.D. 1;
S.B. No. 9, S.D. 1, H.D. 2, C.D. 1;
S.B. No. 19, S.D. 1, H.D. 2, C.D. 1;
S.B. No. 23, S.D. 1, H.D. 1, C.D. 1;
S.B. No. 46, S.D. 2, H.D. 3, C.D. 1;
S.B. No. 69, S.D. 2, H.D. 1, C.D. 1;
S.B. No. 82, S.D. 1, H.D. 2, C.D. 1;
S.B. No. 88, S.D. 1, H.D. 2, C.D. 1;
S.B. No. 94, H.D. 2, C.D. 1;
S.B. No. 102, S.D. 2, H.D. 1, C.D. 1;
S.B. No. 106, S.D. 1, H.D. 1, C.D. 1;
S.B. No. 192, H.D. 1, C.D. 1;
S.B. No. 237, S.D. 2, H.D. 1, C.D. 1;
S.B. No. 239, S.D. 1, H.D. 2, C.D. 1;
S.B. No. 244, S.D. 2, H.D. 1, C.D. 1;
S.B. No. 305, S.D. 1, H.D. 1, C.D. 1;
S.B. No. 310, S.D. 2, H.D. 2, C.D. 1;
S.B. No. 326, S.D. 1, H.D. 1, C.D. 1;
S.B. No. 345, S.D. 1, H.D. 1, C.D. 1;
S.B. No. 403, S.D. 2, H.D. 2, C.D. 1;
S.B. No. 407, S.D. 1, H.D. 2, C.D. 1;
S.B. No. 458, S.D. 1, H.D. 1, C.D. 1;
S.B. No. 498, S.D. 2, H.D. 1, C.D. 1;
S.B. No. 505, S.D. 2, H.D. 1, C.D. 1;
S.B. No. 507, S.D. 1, H.D. 1, C.D. 1;

S.B. No. 515, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 532, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 535, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 548, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 551, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 563, S.D. 3, H.D. 2, C.D. 1;
 S.B. No. 586, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 593, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 606, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 614, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 635, S.D. 1, H.D. 3, C.D. 1;
 S.B. No. 642, H.D. 2, C.D. 1;
 S.B. No. 655, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 680, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 697, H.D. 1, C.D. 1;
 S.B. No. 722, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 757, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 867, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 877, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 890, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 895, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 902, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 911, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 933, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 946, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 960, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 966, H.D. 1, C.D. 1;
 S.B. No. 978, H.D. 1, C.D. 1;
 S.B. No. 993, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 995, H.D. 1, C.D. 1;
 S.B. No. 997, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1003, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1025, H.D. 3, C.D. 1;
 S.B. No. 1042, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1067, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1068, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1069, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1070, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1071, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1073, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1074, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1077, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1084, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1087, S.D. 2, H.D. 3, C.D. 1;
 S.B. No. 1092, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1093, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1094, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1118, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1124, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1133, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1161, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1176, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1194, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1196, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1206, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1207, H.D. 2, C.D. 1;
 S.B. No. 1209, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1214, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1221, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1256, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1265, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1280, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1336, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1339, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1340, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1349, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1360, S.D. 1, H.D. 1, C.D. 1; and
 S.B. No. 1388, S.D. 2, H.D. 2, C.D. 1.

ORDER OF THE DAY**FINAL READING****MATTERS DEFERRED FROM
TUESDAY, APRIL 30, 2013**

Conf. Com. Rep. No. 56 (H.B. No. 31, H.D. 1, S.D. 1, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 56 be adopted and H.B. No. 31, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Shimabukuro.

Senator Slom rose to speak in opposition to the measure as follows:

“As I discussed the other day with this bill, I find this very troubling. First of all, I don’t think this is a state issue or a state matter. I definitely think that it has to do with home rule – it’s the counties. And it also comes at a time when we have spent a great deal of our efforts and resources and time on trying to find solutions to homelessness. So I think this sends the wrong message, I think it’s unnecessary, and it’s an unwarranted intrusion by the state into county affairs. Thank you.”

Senator English moved that the Senate recommit Conf. Com. Rep. No. 56 and H.B. No. 31, H.D. 1, S.D. 1, C.D. 1 to the Committee on Conference.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 56 and H.B. No. 31, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DISORDERLY CONDUCT,” were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 130 (S.B. No. 946, S.D. 1, H.D. 1, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 130 be adopted and S.B. No. 946, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

Senator Slom rose to speak in opposition to the measure as follows:

“Madam President, I guess there’s discussion, and the discussion is why – while we all are for recapitalization of our unfunded debt, our tremendous \$25 billion unfunded debt – this bill, as amended and as changed by the House, I think does more of a disservice. The bill that the Senate had produced and provided, I think, was a clean bill and was an attempt to move us in the direction of recapitalization. But I think this bill fails in terms of the amount of money that would be mandated and committed over a period of time, and also the idea of setting up a statewide, state-operated, government captive insurance company again is not the way to properly do the fiscal decisions that need to be made. So, I would urge a ‘no’ vote on this bill. Thank you.”

The motion was put by the Chair and failed to carry, Conf. Com. Rep. No. 130 failed to be adopted, and S.B. No. 946, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO RESOLVING THE UNFUNDED LIABILITIES OF THE STATE AND THE COUNTIES,” having been read throughout, failed to pass Final Reading on the following showing of Ayes and Noes:

Ayes, 4; Ayes with Reservations (Espero). Noes, 20 (Baker, Chun Oakland, Dela Cruz, English, Gabbard, Galuteria, Green, Ihara, Kahele, Keith-Agaran, Kidani, Kouchi, Nishihara, Ruderman, Shimabukuro, Slom, Solomon, Thielen, Tokuda, Wakai). Excused, 1 (Taniguchi).

Conf. Com. Rep. No. 167 (S.B. No. 909, S.D. 1, H.D. 1, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 167 be adopted and S.B. No. 909, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

Senator Ige rose to make the following remarks:

“Yes, Madam President. I would like to request to be able – as you all know, Unit 13 had rejected the proposed settlement. So I would like to insert some comments into the Journal and a copy of the letter requesting the governor to line-item veto those appropriations that are explicit to the collective bargaining agreement, but allowing those other excluded members to receive the 4 percent raises that was offered.”

The Chair having so ordered, Senator Ige’s remarks read as follows:

“I rise to speak in support of this measure.

“Hawaii Government Employees Association – Unit 13 voted on April 30, 2013 to not ratify a proposed tentative agreement. The Administration has provided via Governor’s Message the estimated costs to fund increased salaries associated for the proposed tentative agreement. Included in the Governor’s Message was funding for those employees who are considered exempt and excluded and not affiliated as unionized employees of the State of Hawaii. For administrative purposes, salary increases and fringe benefits have previously been mirrored to those provided to Hawaii Government Employees Association - Unit 13 through finalized agreements. However, the Legislature recognizes Executive and Judiciary Branch authority to set salary increases for those employees who are exempt and excluded and not affiliated on a collectively bargained salary schedule. In light of Unit 13 not ratifying a contract prior to the conclusion of the 2013 Legislature, in sending this bill to the Governor, the Legislature recommends the executive to line-item veto any funding attributable to Hawaii Government Employees Association – Unit 13 costs, but allow for funding for those employees who are exempt and excluded and not affiliated on a collective bargained salary schedule at the Governor’s prerogative.”

The Chair having so ordered, the letter is identified as **“ATTACHMENT A”** to the Journal of this day.

Senator Slom rose to speak in opposition to the measure as follows:

“As my colleagues know, I have spoken and voted against every collective bargaining bill this year, saying that in fact it was excessive; it was not fair to the private sector, who have to pay for these raises; and in addition to that, it was a question of fairness and equity in terms of increases at a time when our economy still struggled.

“But this was an interesting matter in that the state’s largest public employee union apparently voted to not accept the terms and conditions of the contract, which to me is amazing since it, as I said, is excessive in my point of view. But I think that there’s good reason not to adopt this. And also, one might even look into how fair that vote was because a number of the rank and file are complaining that while they supported it, their leadership, in a non-democratic manner, voted to decline the offer.

“So with all of this, I think it’s a bad bill, and I think we should decline it. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 167 was adopted and S.B. No. 909, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING

COST ITEMS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Taniguchi).

ADVISE AND CONSENT

Stand. Com. Rep. No. 1641 (Gov. Msg. Nos. 562, 563 and 564):

Senator Hee moved that Stand. Com. Rep. No. 1641 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nominations to the Board of Registration of the Island of Hawai‘i of the following:

ANDREW KAHILI, term to expire June 30, 2014 (Gov. Msg. No. 562);

PHILIP MATLAGE, term to expire June 30, 2013 (Gov. Msg. No. 563); and

PHILIP MATLAGE, term to expire June 30, 2017 (Gov. Msg. No. 564),

seconded by Senator Shimabukuro.

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

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1642 (Gov. Msg. No. 565):

Senator Hee moved that Stand. Com. Rep. No. 1642 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of ALAN BURDICK to the Board of Registration of the Island of O‘ahu, term to expire June 30, 2016, seconded by Senator Shimabukuro.

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

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1643 (Gov. Msg. No. 567):

Senator Hee moved that Stand. Com. Rep. No. 1643 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of ROSE KURITA to the Board of Registration of the Islands of Kaua‘i and Ni‘ihau, term to expire June 30, 2016, seconded by Senator Shimabukuro.

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

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1644 (Gov. Msg. Nos. 568, 726 and 727):

Senator Hee moved that Stand. Com. Rep. No. 1644 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nominations to the Board of Trustees of the Deferred Compensation Plan of the following:

MICHAEL OKUMOTO, term to expire June 30, 2016 (Gov. Msg. No. 568);

KENNETH VILLABRILLE, term to expire June 30, 2017 (Gov. Msg. No. 726); and

BRIAN MOTO, term to expire June 30, 2017 (Gov. Msg. No. 727),

seconded by Senator Shimabukuro.

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

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1645 (Gov. Msg. No. 569):

Senator Hee moved that Stand. Com. Rep. No. 1645 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of ALEXANDRA SCANLAN to the Defender Council, term to expire June 30, 2014, seconded by Senator Shimabukuro.

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

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1646 (Gov. Msg. Nos. 570 and 684):

Senator Hee moved that Stand. Com. Rep. No. 1646 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nominations to the Hawai'i Workforce Development Council of the following:

SUNSHINE TOPPING, term to expire June 30, 2016 (Gov. Msg. No. 570); and

CONSTANCE MITCHELL, term to expire June 30, 2017 (Gov. Msg. No. 684),

seconded by Senator Shimabukuro.

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

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1647 (Gov. Msg. Nos. 571, 572 and 685):

Senator Hee moved that Stand. Com. Rep. No. 1647 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nominations to the Language Access Advisory Council of the following:

LITO ASUNCION, term to expire June 30, 2016 (Gov. Msg. No. 571);

PATRICIA HARPSTRITE, term to expire June 30, 2017 (Gov. Msg. No. 572); and

MINDY EMMONS, term to expire June 30, 2017 (Gov. Msg. No. 685),

seconded by Senator Shimabukuro.

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

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1648 (Gov. Msg. Nos. 649 and 675):

Senator Hee moved that Stand. Com. Rep. No. 1648 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nominations to the Hoisting Machine Operators Advisory Board of the following:

JOAQUIN DIAZ, term to expire June 30, 2017 (Gov. Msg. No. 649); and

DONALD GENTZLER, term to expire June 30, 2017 (Gov. Msg. No. 675),

seconded by Senator Shimabukuro.

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

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1649 (Gov. Msg. No. 674):

Senator Hee moved that Stand. Com. Rep. No. 1649 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of COLBERT MATSUMOTO to the Board of Trustees of the Employees' Retirement System, term to expire January 1, 2019, seconded by Senator Shimabukuro.

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

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1650 (Gov. Msg. Nos. 683 and 728):

Senator Hee moved that Stand. Com. Rep. No. 1650 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nominations to the Commission on the Status of Women of the following:

JUDY KERN, term to expire June 30, 2017 (Gov. Msg. No. 683); and

MARILYN LEE, term to expire June 30, 2017 (Gov. Msg. No. 728),

seconded by Senator Shimabukuro.

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

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1651 (Gov. Msg. No. 766):

Senator Hee moved that Stand. Com. Rep. No. 1651 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of ARTEMIO BAXA to the Civil Rights Commission, term to expire June 30, 2017, seconded by Senator Shimabukuro.

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

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1652 (Gov. Msg. Nos. 658 and 679):

Senator Wakai moved that Stand. Com. Rep. No. 1652 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Wakai then moved that the Senate advise and consent to the nominations to the State Foundation on Culture and the Arts Commission of the following:

JOEL GUY, term to expire June 30, 2017 (Gov. Msg. No. 658); and

SHERMAN WARNER, term to expire June 30, 2017 (Gov. Msg. No. 679),

seconded by Senator Nishihara.

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

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1653 (Gov. Msg. No. 784):

Senator Wakai moved that Stand. Com. Rep. No. 1653 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Wakai then moved that the Senate advise and consent to the nomination of NANCY PEACOCK to the Hawai'i Historic Places Review Board, term to expire June 30, 2017, seconded by Senator Nishihara.

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

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1654 (Gov. Msg. Nos. 695, 696 and 697):

Senator Green moved that Stand. Com. Rep. No. 1654 be received and placed on file, seconded by Senator Baker and carried.

Senator Green then moved that the Senate advise and consent to the nominations to the Health Planning Council, Tri-Isle Subarea of the following:

CONSTANCE WILLIAMS, term to expire June 30, 2017 (Gov. Msg. No. 695);

COLIN HANLON, term to expire June 30, 2017 (Gov. Msg. No. 696); and

CURT MORIMOTO, term to expire June 30, 2017 (Gov. Msg. No. 697),

seconded by Senator Baker.

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

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1655 (Gov. Msg. Nos. 698 and 699):

Senator Green moved that Stand. Com. Rep. No. 1655 be received and placed on file, seconded by Senator Baker and carried.

Senator Green then moved that the Senate advise and consent to the nominations to the Health Planning Council, Windward Subarea of the following:

IRENE CARPENTER, term to expire June 30, 2017 (Gov. Msg. No. 698); and

CHRISTOPHER SIBLEY, term to expire June 30, 2017 (Gov. Msg. No. 699),

seconded by Senator Baker.

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

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1656 (Gov. Msg. No. 700):

Senator Green moved that Stand. Com. Rep. No. 1656 be received and placed on file, seconded by Senator Baker and carried.

Senator Green then moved that the Senate advise and consent to the nomination of ANDREW ANCHETA to the Health Planning Council, West O'ahu Subarea, term to expire June 30, 2017, seconded by Senator Baker.

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

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1657 (Gov. Msg. No. 701):

Senator Green moved that Stand. Com. Rep. No. 1657 be received and placed on file, seconded by Senator Baker and carried.

Senator Green then moved that the Senate advise and consent to the nomination of TITO VILLANUEVA to the Health Planning Council, Kaua'i Subarea, term to expire June 30, 2017, seconded by Senator Baker.

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

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1658 (Gov. Msg. No. 767):

Senator Galuteria moved that Stand. Com. Rep. No. 1658 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 ELDON PATE-KAHAKALAU to the Island Burial Council, Island of Hawai'i, term to expire June 30, 2016, seconded by Senator Keith-Agaran.

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

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM TUESDAY, APRIL 30, 2013

Stand. Com. Rep. No. 1659 (H.C.R. No. 23, H.D. 1):

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 23, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A TASK FORCE TO DEVELOP RECOMMENDATIONS FOR IMPROVING OBESITY PREVENTION-RELATED SERVICES AND COUNSELING IN ACCORDANCE WITH THE IMPLEMENTATION OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT," was adopted.

Stand. Com. Rep. No. 1660 (H.C.R. No. 146, H.D. 1):

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 146, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ESTABLISHMENT OF A

WORK GROUP TO EXAMINE SOCIAL DETERMINANTS OF HEALTH AND RISK ADJUSTMENT FOR MEDICAID, GAP-GROUP, AND UNINSURED INDIVIDUALS," was adopted.

Stand. Com. Rep. No. 1661 (H.C.R. No. 216, H.D. 1):

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 216, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CONVENING OF A TASK FORCE TO ESTABLISH A STROKE SYSTEM OF CARE IN THE STATE," was adopted.

FINAL READING

S.B. No. 908, S.D. 1, H.D. 1, C.D. 2:

On motion by Senator Hee, seconded by Senator Ige and carried, S.B. No. 908, S.D. 1, H.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Taniguchi).

S.B. No. 4, H.D. 2:

On motion by Senator English, seconded by Senator Espero and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 4, and S.B. No. 4, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Taniguchi).

At 10:36 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:12 a.m.

At this time, Senator Hee rose on a point of inquiry as follows:

"Did the House act on Senate Bill 31?"

The Chair responded in the affirmative.

Senator Hee continued:

"Have they reconsidered House Bill 31?"

The Chair responded in the affirmative.

Senator Hee continued:

"Have they passed House Bill – Senate Bill 31?"

The Chair responded in the affirmative.

RECONSIDERATION OF ACTIONS TAKEN

Conf. Com. Rep. No. 125 (H.B. No. 1147, H.D. 2, S.D. 2, C.D. 1):

Senator Hee moved that the Senate reconsider its previous action taken on April 30, 2013, in recommitting Conf. Com. Rep. No. 125 and H.B. No. 1147, H.D. 2, S.D. 2, C.D. 1 to the Committee on Conference, seconded by Senator Espero and carried.

Senator Hee moved that Conf. Com. Rep. No. 125 be adopted and H.B. No. 1147, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

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

"Evidently, wisdom has prevailed and the House has reconsidered its preemptive action two days ago on the Senate recommendation that both bills, S.B. No. 31 and H.B. No. 1147, although similar, we passed it and rely on the advice of the attorney general to give counsel to the governor which of the two bills is in the interest of the people of Hawai'i.

"As all of you know, both measures have to do with the disclosure of campaign contributions by Super PACs and the role of the Super PAC in elections of the past – the mayor's race comes to mind immediately – and elections prospectively. Both bills promote transparency; both bills promote accountability. It's unfortunate that the House two days ago unilaterally decided to recommit S.B. No. 31, but evidently, they have been persuaded to bring it back; and I am persuaded by you, Madam President, to honor the commitment of passing H.B. No. 1147 as we would have done on Tuesday. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 125 was adopted and H.B. No. 1147, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 153 and 154) were read by the Clerk and were disposed of as follows:

S.R. No. 153, entitled: "SENATE RESOLUTION REGARDING COMPLETION OF THE WORK OF THE TWENTY-SEVENTH LEGISLATURE SUBSEQUENT TO THE ADJOURNMENT THEREOF."

Offered by: Senators Galuteria, Slom.

On motion by Senator Espero, seconded by Senator Slom and carried, S.R. No. 153 was adopted.

S.R. No. 154, entitled: "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE."

Offered by: Senators Galuteria, Slom.

On motion by Senator Espero, seconded by Senator Slom and carried, S.R. No. 154 was adopted.

At this time, Senator Kahele introduced Pi'ilani Kaupiko and Micah Alameda, members of his staff who were seated in the gallery.

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

"I want to say a few words about H.B. No. 622, the media shield bill, believe it or not. I think much has been said – actually, too much has been said – with regard to the process, but it does highlight what I believe to be, or should I say... I don't want to say 'irresponsible,' but maybe not 'complete' in the media's reporting. For the last couple days, there's been some comment by Jeff Portnoy, and so I want to focus on some of the things in the process that H.B. No. 622 went through.

"It's been suggested that the blame be laid squarely on me, the Senate's Judiciary and Labor Chairman. That suggests that it's really an indictment, in my opinion, on everybody else – on everybody else. Jeff Portnoy, I presume, suggests that but for me, this bill would have passed; but for me, the sunset would have occurred, would have been removed.

“So, let’s look at the record. On January 29, 2013, the House Committee on Judiciary recommended that H.B. No. 622 be passed with amendments. The votes were as follows: 11 ayes, 0 noes, 2 excused. On February 12, H.B. No. 622 passed Second Reading, as amended, unanimously by the House. On Third Reading, it would have been unanimously adopted but for one vote – that was ‘no.’ On April 3, 2013, after crossover, the bill was heard by the Committee on Judiciary and Labor, and recommended that the measure be passed with amendments. The votes in the committee were 5 ayes, 0 noes, 0 excused. On April 5, the bill passed Second Reading by unanimous vote. On April 9, the bill passed Third Reading with one ‘no’ vote. On April 25, after the Conference Committees had deliberated and agreed by a vote to recommend a conference draft for the Senate, there were three votes in favor: Hee, Shimabukuro, and Slom, with reservations. There were two excused: Gabbard and Ihara. On February 25, the House committee recommended and there was one ‘no’ vote. And finally, on April 30, there were 16 ‘aye’ votes and 9 ‘no’ votes.

“I appreciate that Jeff Portnoy has offered me up as the one responsible. However, it indicts democracy, and that’s unfortunate. ‘The ship of democracy has weathered many storms.’ Guess who said that. You wouldn’t believe it if I told you, but I’m going to tell you. Not Big Bird, not Bert, not Elmo – because I went through all of these names – not Cookie Monster. Grover. Grover. I don’t even know what Grover looks like. Not Grover Cleveland.

“It’s interesting that much has been said over something that we’ve all participated in. I didn’t plan on talking about this, but I was humored by I don’t know what article I read where the Senate majority policy leader was quoted as saying, ‘Democracy is at stake.’ Oooh. ‘Democracy is at stake.’

“A few years ago, Judith Miller, a reporter for the *New York Times*, reported in her article that the CIA was in Iraq, and that the CIA individual that Judith Miller outed was Valerie Plame. And it was stated that part of her work, Plame’s work, concerned the determination of the use of aluminum tubes purchased by Iraq. CIA analysts, prior to the Iraq invasion, were quoted by the White House as believing that Iraq was trying to acquire nuclear weapons and that these aluminum tubes could be used in a centrifuge for nuclear enrichment. David Corn and Michael Isikoff argued that the undercover work being done by Plame and her CIA colleagues in the Directorate of Central Intelligence Nonproliferation Center strongly contradicted such a claim. However, the CIA was concerned enough to send Plame’s husband, Joseph Wilson, to Niger in 2002, to investigate the potential sale of nuclear materials from Niger to Iraq. ‘My name and identity were carelessly and recklessly abused by senior government officials in the White House and the State Department,’ and this abuse occurred for purely political reasons.

“You folks are old enough but may be, like me, too old to remember the details of this. This was George Bush’s effort to justify bombing Iraq, and to do so he sent Scooter Libby to drop on Judith Miller a small detail: there are weapons of mass destruction and the United States needs to take a proactive, aggressive action to stop the weapons of mass destruction. None were found – but democracy was at stake. Oooh. Democracy.

“But to finish off the story, Judith Miller was sent to jail; and after 85 days, she outed the outer, Scooter Libby. And shortly thereafter, guess what happened to Scooter Libby: President Bush pardoned him. Democracy was at stake. Oooh.

“The same policy leader said in an article I read that there were not enough votes for an amendment. You know, it’s like my son Kaohu once told me when he was trying out for the basketball team, and I kept telling him, ‘Why don’t you shoot

the ball?’ I told him, ‘If you score ten points, you guys win.’ And he told me, ‘I might not make the basket.’ So, if you don’t have the votes, how do you know? How do you know? You don’t know. Lay them down. Like we did on this bill was lay it down. Lay them down. But to say democracy is at risk and we don’t have the votes is to say, ‘I’m going to take my ball, and you know what, we’re going home because you know what? We cannot win.’ Sounds good. Sounds good, but if you don’t shoot the ball, you cannot make the basket. And this ball was shot many times, and the same one who’s now complaining about what’s at stake with democracy was the one who voted every time, every time.

“Here’s a guy – I don’t know if he’s a journalist – Rick Tubania in *Civil Beat*, who says, ‘What’s the big deal? If journalists are truthful, then they should not worry.’ If journalists are truthful, then they should not worry. But many of them, in order to sell, they report mistruth, half-truths, and hide behind the shield law. If journalists write about something that is their opinion, then they have no worry, but to cite something as true but not really is irresponsible journalism, creating false controversy. These journalists want to have their cake and eat it, too.

“I guess we’ll find out. Journalism seemed to be quite remarkable before this bill became law; and I suspect that democracy is really not at stake, that the earth will not swallow us up, and that the sky is not going to fall. These are the same kinds of arguments three years ago with the passage of civil unions: ‘The sky is going to fall.’ Damn near two and a half decades with the establishment of the hotel room tax: tourists weren’t going to come; the hotels were going to go empty. Fact is, I think Grover got it right: democracy has weathered many storms. Thank you, Madam President.”

Senator Galuteria rose to make the following remarks:

“Thank you, Madam President. Just a very brief follow-up to the previous speaker with regard to the bill we were talking about: I think equally important about the contents of the bill was the learning moment that happened. Now, the floor amendment that was presented by the House was a very substantive change. It’s how we do business with our colleagues across the way, and how they intend to do business with us in the future. Now, to introduce such a change moments before the Senate begins its session lacked the transparency and openness that the public deserves. Ironically, it was to accommodate the needs of the media, an industry that calls for transparency, and that particular industry would advocate for a process that locks out the openness that the public deserves.

“This Senate will not stand for that, so we sent back the message that said, ‘No, listen; this is not correct. We do business the way we do business.’ And so the House has learned that the Senate stands for good business and transparency and openness, and that’s the way we’re going to play it from here on in.

“So, the majority stands firmly, and I’m sure the minority leader will have something to say; perhaps not. We stand firmly behind Senator Hee and the process that the Senate advocates for. Thank you for that, Madam President.

“Now lastly, I would like to take this opportunity to say thank you. This is a ‘thank you’ moment. Madam President, this was your first session as our leader. I know that you’ve taken great pains to wear the new clothes, and so we thank you for that and for allowing us to do our work. To our Vice President: we thank him for his leadership, steady hand. To the money chair: we could not have asked for a better gentleman and scholar to lead us through our money deliberations. To all of the chairs of our different committees: thank you so much for taking everything that you had, pouring everything into

your work so that we could come out with our documents to govern this great land of ours.

“So as we finish off this particular session, we’ve learned so much about not only the way the House intends to do business with us, but we’ve sent a strong signal about how we intend to do business with the House. And in knowing how we do business together, we will just continue to ensure the quality of life for this great land we call home – our Hawai‘i nei.

“So having said that, thank you to each and every one of our staffers and everyone who works at the Senate and in this beautiful building that is the people’s building. Thank you again for allowing me the time to share this mahalo nui loa as we move closer to our final sine die. Mahalo. Aloha.”

Senator Slom rose to make the following remarks:

“Madam President, as unaccustomed as I am to stand up, let me just say it was a very interesting and unique session this year. I think we accomplished many positive things, and there are other things that need our attention.

“I think that first of all, I want to thank the people that are really responsible for everything we do here – the taxpayers of Hawai‘i, because we pass things in their name but they get the bills. They don’t get the credit; they get the bills. So, thanks to all the taxpayers.

“I want to thank you, Madam President, and the leadership, who have treated me respectfully. I especially want to the Chair of the Economic Development Committee. He took a chance and he took a risk to do something that had not been done here in 21 years, and that is to have a member of the other party in a leadership position. When my early discussions with him were taking place, I said, ‘I’m going to disagree with you. I’m going to vote against some of your bills,’ and all that, and he said, ‘That’s alright,’ and we did that throughout the entire session. So, I thank him for that. I enjoyed that position, and if he needs help in the future, I’ll be glad to do that.

“I think that of all the things that we did we kept our promise on repeal of the PLDC; the Governor has now signed that bill into law. I think that we were very serious this year in terms of the recapitalization of our massive \$25 billion unfunded debt. We can’t do it all in one year. We have to keep the promises that we made to people who have relied on those government promises in the past. But we have made steps, taken serious steps towards paying that amount down and to changing the direction that we have.

“I want to thank my staff as well; I’ve thanked them previously. My staff is unique in this building; they have the responsibility for getting me in and around and knowledgeable of all 16 Senate committees, and they’ve done a fantastic job all session doing that. They’ve done it with grace. They’ve done it with energy. They’ve done it with enthusiasm.

“I mentioned our Budget Director, Mr. Paul Harleman, who did an alternative budget like no other that’s been done the last several years. It’s still up online now; it is a serious document. It shows what can be done in another direction to get us away from this death spiral of taxes and fees and more debt. We’ve got to do that because we know the direction that we’re headed right now financially. Our state budget director has told us. We can see it. Anybody that can read a simple balance sheet or balance their checkbook knows that you cannot keep spending more than you take in; and yet we keep trying to do that.

“So, those were some of the good things that we did. I think that it was interesting that we probably had fewer bills come out of conference committee this year than in past years, but hopefully they are good bills. And while we disagreed on some of the issues, and I narrowly lost the votes 24 to 1 usually, at

least we had discussion. And if we’re talking about transparency, I would encourage more discussion. We need to let the public know why we support a bill or why we oppose it, and we need to vote it up or down; it’s as simple as that. And we’ve done that this year, to a greater extent, but we still have a ways to go, and I don’t think any of my colleagues would disagree that we can always do better, whatever it is that we do.

“So the budget, the \$24 billion budget, is going to loom large. Again, as I said the other day, we respect and admire all of the work that was done and the conscientiousness, including the work that the Vice Chairman of Ways and Means did with the capital improvements budget. It’s really hard when you’ve got everybody asking for something and you have to say ‘no,’ or ‘not at this time,’ or ‘no, not this amount.’ And that’s our job. We’re not here to be buddies, particularly to special interests or certain groups or certain individuals. We are here to do the people’s business, and it is all about democracy. And democracy – it’s interesting. It gets battered. It gets knocked down. It gets up again. It gets knocked down. It gets up again. That’s what we do.

“I’m probably most concerned that a number of things did not happen, Madam President. You may recall, back in January, my opening statement. One of the things that I said was that we really don’t take care of the misuse of public funds or misuse of authority. There are no consequences for bad behavior in government. I think this is still clear in the issue of the University of Hawai‘i, my alma mater. We’re all proud of the university. We like to highlight the things that they’ve done, but believe me, they have not done the things that the Senate Special Accountability Committee ordered or asked them to do, and what the public supported. The public supported the Senate; the public supported our investigation of what was going on, and they kept begging us to make sure that there are changes at the university. I am not sure that the head administration has gotten the message. I am not sure that we’re going to see the independence that we need from the Board of Regents. But that’s our job, too – to follow up and to work on it – and so we’ll do the best that we can.

“On opening day also, I talked about one of our citizens, one of our residents, who now has been imprisoned by the federal government for nearly three years: Roger Christie of the Big Island. I think it’s a travesty that this Senate could not even adopt a resolution in support of Mr. Christie. We’re not talking about his guilt or innocence. We’re talking about an individual who has been denied basic civil and judicial rights for three years because the federal government wants to make an example of him. But we couldn’t even come together in this body to show support and to ask that he be given the very simple things like a bail hearing. Yet, we have a Secret Service agent who was here for APEC last year who allegedly killed another individual; he was out on bail. He’s okay. But somehow, Roger Christie remains a danger and a threat to our society. Can’t understand that; can’t believe that. And that was the Senate that did not adopt that.

“And again, I’m sorry to say that even though we’ve had such great aloha for animals, the poor native Hawaiian hoary bat again did not pass this state, did not pass this legislature. Held hostage for a number of personal and political reasons; not because of the bat itself because even the environmentalists were saying what a wonderful creature he is (or ‘she’ is, in the case of ‘madam’ bats).

“And then we did talk about the journalism shield law and bill, and there’s been a lot of discussion. There’s a couple things that I guess could be mentioned: number one, the government really has no business involving itself in the freedom of speech or journalism issue, but we did. Five years ago, we passed model legislation, which has been copied around the country and it’s gotten good reviews and worked

really well. And in the discussion from the Judiciary Chairman about votes and how this bill progressed, there was no discussion about how the committee members did not see the drafts of the bill before the votes were taken, or how difficult it was for some committee members and the public to actually get details. But I am happy that we've moved from 1947 and the Dewey Headline up to Judith Miller, so we are making some progress there. The Legislature should not coddle or help specifically one industry over another. And again, this area of free speech and journalism is important, but neither should we be trying to determine and define who is a journalist and what is acceptable journalism, particularly since we laud ourselves on our technological advances and we have moved away from the old printed monopoly publication of news. But be that as it may, this will be for another day and another discussion.

"It is important to note that we in the Senate do have a different responsibility and a greater responsibility than our members across the hall. And process is extremely important, but I think far too often we use process as an excuse not to do things that we can do. And again, it's really simple. Vote something up or vote it down – we can bring that forward.

"So overall, Madam President, I think we can say safely that we accomplished a number of positive things for the community, but we cannot and should not forget the taxpayers of this state because ultimately it is their burden. And we must work harder to improve our business and economic climate. I couldn't find one bill this year that was beneficial to businesses, particularly when we asked them to come here and tell us what they need to expand their business, to keep their business, to have new investment. We have bills and we have legislation that they wound up spending most of their time opposing. Fortunately, most of the bills did not pass. Fortunately, in the budget that we adopted, there are no new major tax incentives – or, I should say, tax increases. Many of the incentives are still under discussion, but we do have a lot of mandated benefits for business, and a tremendous amount of new fees or increased fees for business. Somebody's got to pay this, and ultimately it is the taxpayers and the consumers of our state.

"So, Madam President, thank you again for your leadership. Thank you to my colleagues for your courtesies, and hopefully we'll all be back next year to do an even better job. Aloha."

At this time, the President delivered her closing remarks as follows:

"As this 27th legislative session draws to a close, I would like to take this time to thank all of you for the amount of work and passion you have devoted to representing your respective districts.

"While we all have different issues that we are passionate about, this body and the House of Representatives can take a good measure of satisfaction in what we were able to achieve collectively.

"We began the year with unexpected changes thrust upon us with little time to prepare ourselves. But the Senate adjusted, and we did what was needed to ready ourselves for the responsibility entrusted to us by the electorate. While it took the House a little longer, the new leadership of both houses brought refreshing changes.

"We dealt with the uncertainty in the direction of our economic recovery and the pent-up demand to restore the cutbacks of recent years and evaluated and considered hundreds of proposals as part of our normal course of business. Despite the scope of the work before us, I believe we fulfilled our obligations as legislators and succeeded in providing a solid foundation for the continued progress of our island community.

"I would be remiss in not highlighting the huge change both Houses adopted in the way we deliberated over the budget and how we dealt with the final day of conference committees. Gone were the late nights of agree/disagree/limbo budget volleying. Gone was the Friday deadline extensions and the chaos that ensued in Committee Room 309, making decisions while the midnight dead line loomed.

"We were able to accomplish this largely due to our money chairs and vice chairs closing the budget and CIP in record time and by House and Senate leadership sticking to a firm deadline with not a single extension on bill negotiations. This took discipline from both houses and I commend all of you for that. But this day, and every day of our session, was not of our own doing. So I'd like to take this opportunity, speaking for all Senators, to extend our heartfelt and profound gratitude to those who worked on our behalf and that of all the people of Hawaii. I speak of our unseen heroes – our legislative aides, office managers, and support staff who kept us informed and got us where we needed to be, on time and worked long hours into the night and on weekends.

"Our Senate Clerk Carol Taniguchi and her staff, who ensured that our bills and committee reports were timely and properly, prepared the orders of the day, and oversaw the many legal nuances of the legislative process.

"The Ways and Means and Judiciary staffers, who made preparations long before we formally convened in anticipation of the complex measures we were to consider and were often the last ones to leave this building.

"The Sergeant-at-Arms Ben Villafior and his staff, who prepared our committee rooms, kept order in the gallery and assisted us with everything from the mundane to the impossible.

"Data Systems – Jon Shimabuku and his staff kept us both connected and paperless.

"The document center – Tia Lobendahn – and Journal Clerk Grace Wong did a remarkable job in keeping abreast of the day-to-day flurry of activity.

"The Senate Majority Office – Casey Hines, Richard Wada, and the SMA staff; Senate Minority Office – Sam Slom with Paul and Herb; and Legislative Reference Bureau – Charlotte Carter-Yamauchi. These teams did yeoman's work in drafting bills, committee reports, legal checks and dealt with Chairs to get research and committee reports completed yesterday.

"Capitol TV and the Public Access Room who brought our proceedings to the public.

"Finally, on a personal note for my staff Terrence, Gina, Frances, Daniel, Nancy, Lauren and volunteers Bridget and Sam: I don't thank them enough for all that they do and for stepping up to help me fulfill my duties as President.

"Please, members, join me in a standing ovation to commend and thank these exceptional people for their professionalism and commitment to this institution.

"I dare to say that this has been a productive and successful session. It wasn't perfect and it wasn't always easy. But I am not only proud of what we achieved but appreciative of your spirit of teamwork and aloha. While we may not always agree on specific ideas, we can all agree that we want the people of Hawaii to enjoy a quality of life second to none and a future filled with hope and opportunity. Let's keep our eyes on this goal and let it inspire us to continue working together in the interim. Because even though the session formally ends today, we all know that our work continues throughout the interim. Committee Chairs you will be getting a memo soon requesting that you pick an interim project to work on that will to prepare

us and could be included in our Majority package for the 28th Legislative Session.

“But for now, let’s sine die, and collectively join in with our House colleagues.... for a House/Senate end of session gathering. Mahalo!”

ADJOURNMENT

Senator Espero moved that the Senate of the Twenty-Seventh Legislature of the State of Hawai‘i, Regular Session of 2013, adjourn Sine Die, seconded by Senator Slom and carried.

At 11:55 a.m., the President rapped her gavel and declared the Senate of the Twenty-Seventh Legislature of the State of Hawai‘i, Regular Session of 2013, adjourned Sine Die.

ATTACHMENT A



THE LEGISLATURE
State of Hawaii

STATE CAPITOL
415 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96813

May 1, 2013

The Honorable Neil Abercrombie
Governor, State of Hawaii
Executive Chambers, State Capitol
Honolulu, Hawaii 96813

Dear Governor Abercrombie:

Hawaii Government Employees Association - Unit 13 voted on April 30, 2013 to not ratify a proposed tentative agreement. The Administration provided, via Governor's Message 272, the estimated costs to fund increased salaries associated for the proposed tentative agreement. Included in the Governor's Message was funding for those employees who are considered exempt and excluded and not affiliated as unionized employees of the State of Hawaii.

For administrative purposes, salary increases and fringe benefits have previously been mirrored to those provided to Hawaii Government Employees Association - Unit 13 through finalized agreements. However, we recognize the Executive and Judiciary Branch authority to set salary increases for those employees who are exempt and excluded and not affiliated on a collectively bargained salary schedule.

In light of Unit 13 not ratifying a contract prior to the conclusion of the 2013 Legislature, in sending this bill to the Governor, we recommend that line-item veto power be exercised with respect to any funding attributable to Hawaii Government Employees Association - Unit 13 included employee costs, but allow for funding for those employees who are exempt and excluded and not affiliated on a collective bargained salary schedule at the Governor's prerogative.

Sincerely,

Handwritten signature of David Ige in black ink.

DAVID IGE
Chair, Senate Committee on Ways and Means

Handwritten signature of Sylvia Luke in black ink.

SYLVIA LUKE
Chair, House Committee on Finance