

TWELFTH DAY

Tuesday, February 4, 2014

The Senate of the Twenty-Seventh Legislature of the State of Hawai'i, Regular Session of 2014, convened at 11:42 a.m. with the President in the Chair.

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

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

At this time, Senator Gabbard honored and commended Energy Excelsior, and presented the following remarks:

"Madam President, colleagues, please welcome the team from the Energy Excelsior. Thank you, colleagues, thank you.

"What's the Energy Excelsior?" you may ask. No, it's not the latest high-tech treadmill available at Sports Authority. Actually, the Energy Excelsior is a startup program of the Pacific International Center for High Technology Research – or PICHTR – dedicated to helping solve energy challenges, starting here in Hawai'i. They provide the funding and connections in the perfect place, our own island paradise, to roll out renewable energy ideas. Energy Excelsior funds clean energy technologies in multiple areas, especially smart grid, energy storage, energy efficiency, transportation, and biofuels. These companies see Hawai'i as an ideal early market for energy innovation because of our high electricity prices and excellent natural resources.

"First, starting from our right is Senior Manager Dawn Lippert, Project Manager Warren Doi, Communications Director Lauren Tonokawa, Operations Director Kanoe Pu'uohau, Strategic Partnerships Director Brad Punu, PICHTR Chief Financial Officer Janel Pang, Project Assistant Linda Ome, and Intern Jamie Uota. Please give them a hand.

"PICHTR CEO Dennis Teranishi, Director of PICHTR Energy Programs Maurice Kaya, Senior Advisor Harold Matsumoto, and Engineer and Project Manager Jill Sims unfortunately could not be with us today.

"Colleagues, as we continue to pick the low-hanging fruit in the clean energy arena – energy efficiency, plus residential, commercial, and utility-scale solar, as well as wind – many folks are asking, 'Who should be leading the charge in kicking our addiction to foreign oil? The governor? The Legislature? The PUC? The counties? The utilities? Our energy nonprofits?' Obviously, it's all of the above, but considering the past year and the big challenges that have increasingly become front and center here and on the mainland with the integration of distributed generation, it makes it clear to me that we're unlikely to be the ones who get us to that fruit on the top branch of the tree.

"Today, we use our smartphones, iPads, social media – things that weren't around a mere five or six years ago. And you'll recall, it was Steve Jobs and the Mark Zuckerbergs of the world who made these things happen. So, from my perspective, it's going to take these kinds of entrepreneurs who will actually reach the luscious fruit at the top of the tree and bring it down to ground level, allowing us to get our HCEI goals and beyond.

"And that's why I'm stoked to see what the Energy Excelsior, our clean tech incubator, is doing. It's huge that they received a \$30 million grant from the Navy's Office of Naval Research under the Asia Pacific Technology and Education Program; and it kind of makes sense that the Navy is stepping up big in this area because last year the DOD spent \$20 billion on oil and is the world's largest consumer of energy.

That dwarfs even our huge annual oil bill of \$4 billion to \$6 billion dollars. The Energy Excelsior's latest awardees are 15 companies who focus on everything from smart grid and energy storage to energy efficiency, transportation, and bioenergy. And any one of these companies could be the one that revolutionizes clean energy for Hawai'i and the world. Of the 32 companies the program has funded thus far, \$55.9 million has been raised in follow-on funding, nearly \$20 million in revenue has been generated, and over 400 jobs have been created. The program is highly selective, accepting less than 7 percent of startups who apply, and helps companies succeed in Hawai'i and the Asia Pacific with funding of up to \$1 million. In June 2014, it will be opening an innovation center in Honolulu and extend an invitation to you all to pay them a visit.

"Madam President and colleagues, would you please, again, recognize the team from the Energy Excelsior?"

"Finally, also in the gallery, we have three reps from the Energy Excelsior: Ann Chung of Navatek, Michael Pfeffer and Erika Bockhaut from Ibis Networks. Welcome. Mahalo."

At 11:48 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:53 a.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 12 to 17) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 12, transmitting H.B. No. 195, H.D. 1, which passed Third Reading in the House of Representatives on February 3, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 195, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF THE PUBLIC GUARDIAN," passed First Reading by title and was deferred.

Hse. Com. No. 13, transmitting H.B. No. 979, H.D. 2, which passed Third Reading in the House of Representatives on February 3, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 979, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed First Reading by title and was deferred.

Hse. Com. No. 14, transmitting H.B. No. 1341, which passed Third Reading in the House of Representatives on February 3, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 1341, entitled: "A BILL FOR AN ACT RELATING TO ANTIQUE GAMBLING DEVICES," passed First Reading by title and was deferred.

Hse. Com. No. 15, transmitting H.B. No. 1650, which passed Third Reading in the House of Representatives on February 3, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 1650, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed First Reading by title and was deferred.

Hse. Com. No. 16, transmitting H.B. No. 1660, H.D. 1, which passed Third Reading in the House of Representatives on February 3, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 1660, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SIDEWALKS," passed First Reading by title and was deferred.

Hse. Com. No. 17, returning S.B. No. 1015, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on February 3, 2014, was placed on file.

By unanimous consent, action on S.B. No. 1015, S.D. 1 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO PRODUCTION OF RECORDS," was deferred until Friday, February 7, 2014.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2049) recommending that S.B. No. 2465, 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. 2465, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTINUING EDUCATION FOR PSYCHOLOGISTS," 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. 2050) recommending that S.B. No. 2466 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. 2466, entitled: "A BILL FOR AN ACT RELATING TO CONTINUING EDUCATION FOR MARRIAGE AND FAMILY THERAPISTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2051) recommending that S.B. No. 2110, 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. 2110, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION OF PESTICIDES," 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. 2052) recommending that S.B. No. 2179 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. 2179, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senators Gabbard and Espero, for the Committee on Energy and Environment and the Committee on Public Safety, Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 2053) recommending that S.B. No. 2182 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. 2182, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Gabbard and Espero, for the Committee on Energy and Environment and the Committee on Public Safety, Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 2054) recommending that S.B. No. 2111, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Economic Development, Government Operations and Housing.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2111, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES," passed Second Reading and was referred to the Committee on Economic Development, Government Operations and Housing.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2055) recommending that S.B. No. 2651, 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 S.B. No. 2651, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Gabbard, for the majority of the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2056) recommending that S.B. No. 2685, 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. 2685, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TIRES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Gabbard and Espero, for the Committee on Energy and Environment and the Committee on Public Safety, Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 2057) recommending that S.B. No. 2920, 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 joint report of the Committees was adopted and S.B. No. 2920, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 2058) recommending that S.B. No. 2118 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. 2118, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the majority of the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 2059)

recommending that S.B. No. 2609 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. 2609, entitled: "A BILL FOR AN ACT RELATING TO MINIMUM WAGE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 2060) recommending that S.B. No. 2120 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. 2120, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 5, 2014.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 2061) recommending that S.B. No. 2249, 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. 2249, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 6, 2014.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 2062) recommending that S.B. No. 2253, 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. 2253, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORENSIC IDENTIFICATION," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 6, 2014.

ORDER OF THE DAY

THIRD READING

S.B. No. 2136, S.D. 1:

On motion by Senator Tokuda, seconded by Senator Gabbard and carried, S.B. No. 2136, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2072:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 2072, entitled: "A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2128:

Senator Hee moved that S.B. No. 2128 be recommitted to the Committee on Judiciary and Labor, seconded by Senator Shimabukuro.

Senator Hee noted:

"Thank you, Madam President. Members, this bill is a single referral, so there's time for me to shine this bill up a little bit. The alternative would have been to amend it on the floor. Basically, Senate Bill 2128 is relating to biological evidence; it is an opportunity to dispose of biological evidence as might be necessary and appropriate under strict guidelines.

"One of the aspects of the bill that I thought needed to be clearer was that when biological evidence is proposed to be disposed of by law enforcement, that there shall be a court hearing and also the defendant has 90 days to object to the disposal of biological evidence. What I wanted to clarify in the bill was to ensure that the defendant was given notice of the 90 days' notice for the disposal. I want to insert a line that makes it a proactive notice of no objection by the defendant to ensure that the defendant, indeed, has been served with notification of the intent to dispose of biological evidence."

The motion was put by the Chair and carried, S.B. No. 2128, entitled: "A BILL FOR AN ACT RELATING TO THE RETENTION OF BIOLOGICAL EVIDENCE," was recommitted to the Committee on Judiciary and Labor.

REFERRAL OF HOUSE BILLS

The President made the following committee assignments of House bills received on Thursday, January 30, 2014; and Friday, January 31, 2014:

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| H.B. No.: | Referred to: |
| H.B. No. 525, H.D. 1 | Committee on Public Safety, Intergovernmental and Military Affairs, then to the Committee on Judiciary and Labor |
| H.B. No. 614 | Committee on Judiciary and Labor |
| H.B. No. 1498 | Committee on Judiciary and Labor |

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of Senate concurrent resolutions offered on Thursday, January 30, 2014; and Friday, January 31, 2014:

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| S.C.R. No.: | Referred to: |
| S.C.R. No. 28 | Committee on Agriculture, then to the Committee on Ways and Means |
| S.C.R. No. 29 | Jointly to the Committee on Economic Development, Government Operations and Housing and the Committee on Public Safety, Intergovernmental and Military Affairs, then to the Committee on Ways and Means |
| S.C.R. No. 30 | Jointly to the Committee on Economic Development, Government Operations and Housing, the Committee on Transportation and International Affairs, and the Committee on Public Safety, Intergovernmental and Military Affairs, then to the Committee on Ways and Means |

REFERRAL OF A SENATE RESOLUTION

The President made the following committee assignments of a Senate resolution offered on Friday, January 31, 2014:

S.R. No.:	Referred to:
S.R. No. 10	Jointly to the Committee on Economic Development, Government Operations and Housing and the Committee on Public Safety, Intergovernmental and Military Affairs, then to the Committee on Ways and Means

RE-REFERRAL OF A SENATE BILL

The Chair re-referred the following Senate bill that was introduced:

S.B. No.:	Re-referred to:
S.B. No. 3093	Committee on Higher Education, then to the Committee on Ways and Means

ADJOURNMENT

At 11:57 a.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Wednesday, February 5, 2014.