

FORTY-EIGHTH DAY

Thursday, April 10, 2014

The Senate of the Twenty-Seventh Legislature of the State of Hawai'i, Regular Session of 2014, convened at 11:40 a.m. with the President in the Chair.

The Roll was called showing all Senators present.

The President announced that she had read and approved the Journal of the Forty-Seventh Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 1106 to 1109) were read by the Clerk and were placed on file:

Gov. Msg. No. 1106, informing the Senate that on April 7, 2014, the Governor signed into law House Bill No. 1770, H.D. 1 as Act 6, entitled: "RELATING TO VETERANS."

Gov. Msg. No. 1107, informing the Senate that on April 7, 2014, the Governor signed into law House Bill No. 2071, H.D. 1 as Act 7, entitled: "RELATING TO GOLD STAR FAMILY DAY."

Gov. Msg. No. 1108, informing the Senate that on April 7, 2014, the Governor signed into law Senate Bill No. 3038 as Act 8, entitled: "RELATING TO THE HAWAII LABOR RELATIONS BOARD."

Gov. Msg. No. 1109, informing the Senate that on April 7, 2014, the Governor signed into law House Bill No. 1650 as Act 9, entitled: "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."

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 83 to 85) were read by the Clerk and were placed on file:

Dept. Com. No. 83, from the Office of the Auditor dated March 19, 2014, transmitting the report, "Review of Special Funds, Revolving Funds, Trust Funds and Trust Accounts of the Department of Transportation," (Report No. 14-05) pursuant to Section 23-9, HRS.

Dept. Com. No. 84, from the Department of Hawaiian Home Lands dated March 28, 2014, transmitting the General Fund Expenditure and Encumbrance Report pursuant to Act 134, Section 17, SLH 2013.

Dept. Com. No. 85, from the Office of the Auditor dated April 7, 2014, transmitting the report, "Report on the Implementation of State Auditor's 2011 Recommendations: Hawai'i Public Housing Authority, Hawai'i Public Charter School System," (Report No. 14-06) pursuant to Section 23-9, HRS.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 512 to 675) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 512, returning S.B. No. 41, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 8, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 41, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 513, returning S.B. No. 632, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 8, 2014.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 632, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 514, returning S.B. No. 702, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 8, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 702, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 515, returning S.B. No. 718, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 8, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 718, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 516, returning S.B. No. 1007, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 8, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1007, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 517, returning S.B. No. 1038, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 8, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1038, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 518, returning S.B. No. 1043, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 8, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1043, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 519, returning S.B. No. 1179, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 8, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1179, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 520, returning S.B. No. 1233, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 8, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3094, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 657, returning S.B. No. 3099, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 8, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3099, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 658, returning S.B. No. 3103, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 8, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3103, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 659, returning S.B. No. 3121, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 8, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3121, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 660, returning S.B. No. 3122, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 8, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3122, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 661, returning S.B. No. 3125, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 8, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3125, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 662, returning S.B. No. 2265, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 8, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2265, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 663, returning S.B. No. 2305, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 8, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2305, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 664, returning S.B. No. 2634, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 8, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2634, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 665, returning S.B. No. 2866, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 8, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2866, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 666, returning S.B. No. 1065, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 2014, was placed on file.

Hse. Com. No. 667, returning S.B. No. 2078, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 2014, was placed on file.

Hse. Com. No. 668, returning S.B. No. 2120, which passed Third Reading in the House of Representatives on April 8, 2014, was placed on file.

Hse. Com. No. 669, returning S.B. No. 2233, which passed Third Reading in the House of Representatives on April 8, 2014, was placed on file.

Hse. Com. No. 670, returning S.B. No. 2491, which passed Third Reading in the House of Representatives on April 8, 2014, was placed on file.

Hse. Com. No. 671, returning S.B. No. 2492, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 2014, was placed on file.

Hse. Com. No. 672, returning S.B. No. 2887, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 2014, was placed on file.

Hse. Com. No. 673, returning S.B. No. 2890, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 2014, was placed on file.

Hse. Com. No. 674, returning S.B. No. 2896, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 2014, was placed on file.

Hse. Com. No. 675, informing the Senate that on April 8, 2014, the House disagreed to the amendments proposed by the Senate to H.B. No. 2243, H.D. 1 (S.D. 1), was placed on file.

SENATE COMMUNICATION

The following communication (Sen. Com. No. 2) was read by the Clerk and was placed on file:

Sen. Com. No. 2, notice to Governor dated April 8, 2014, transmitting H.B. No. 748, H.D. 2, S.D. 1, which proposes amendments to the Hawaii State Constitution.

By unanimous consent, the following notice was sent to the Governor:

"April 8, 2014

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

Dear Governor Abercrombie:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form of the following bill, a copy of which is attached hereto:

H.B. No. 748, H.D. 2, S.D. 1

"PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO AUTHORIZE THE ISSUANCE OF

SPECIAL PURPOSE REVENUE BONDS TO ASSIST AGRICULTURAL ENTERPRISES.”

Respectfully,
/s/ Carol Taniguchi
Carol T. Taniguchi
Clerk of the Senate”

ORDER OF THE DAY

AGREE/DISAGREE

**MATTERS DEFERRED FROM
TUESDAY, APRIL 8, 2014**

S.B. No. 2330, S.D. 1 (H.D. 1):

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2330, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2591, S.D. 1 (H.D. 1):

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2591, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2633, S.D. 1 (H.D. 1):

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2633, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2801 (H.D. 1):

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2801, and requested a conference on the subject matter thereof.

S.B. No. 2882, S.D. 2 (H.D. 2):

Senator Espero moved that the Senate agree to the amendments proposed by the House to S.B. No. 2882, S.D. 2, seconded by Senator Hee.

Senator Espero noted:

“This measure is our annual Uniform Controlled Substances Act, where we are having our state law jibe with the federal law, and the amendments were just changing the effective date and technical amendments.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2882, S.D. 2, and S.B. No. 2882, S.D. 2, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT,” was placed on the calendar for Final Reading on Friday, April 11, 2014.

S.B. No. 2452 (H.D. 2):

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2452, and requested a conference on the subject matter thereof.

S.B. No. 2574, S.D. 1 (H.D. 2):

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2574, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2775, S.D. 1 (H.D. 1):

Senator Nishihara moved that the Senate agree to the amendments proposed by the House to S.B. No. 2775, S.D. 1, seconded by Senator Gabbard.

Senator Nishihara noted:

“Thank you, Madam President. After discussion with the proponent of the bill, the committee decided the original House amendments were in line with the intent of the original S.B. No. 2775.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2775, S.D. 1, and S.B. No. 2775, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY,” was placed on the calendar for Final Reading on Friday, April 11, 2014.

S.B. No. 2875 (H.D. 1):

Senator Solomon moved that the Senate agree to the amendments proposed by the House to S.B. No. 2875, seconded by Senator Gabbard.

Senator Solomon noted:

“We were very close in terms of our mana’o on the bill, and I feel there was really no substantive change. Thank you, Madam President.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2875, and S.B. No. 2875, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ENDANGERED SPECIES RECOVERY COMMITTEE,” was placed on the calendar for Final Reading on Friday, April 11, 2014.

S.B. No. 651, S.D. 2 (H.D. 2):

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2651, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 2465, S.D. 2 (H.D. 2):

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2465, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 2483, S.D. 1 (H.D. 1):

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2483, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2874 (H.D. 1):

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2874, and requested a conference on the subject matter thereof.

THIRD READING

**MATTER DEFERRED FROM
TUESDAY, APRIL 8, 2014**

Stand. Com. Rep. No. 3393 (H.B. No. 1716):

By unanimous consent, action on Stand. Com. Rep. No. 3393 and H.B. No. 1716, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INVASIVE SPECIES PREVENTION, CONTROL, OUTREACH, RESEARCH,

AND PLANNING,” was deferred until Monday, April 21, 2014.

At 11:46 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:43 p.m.

FINAL READING

S.B. No. 2072, H.D. 1:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2072, and S.B. No. 2072, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Dela Cruz, Taniguchi).

S.B. No. 2329, S.D. 1, H.D. 1:

On motion by Senator English, seconded by Senator Hee and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2329, S.D. 1, and S.B. No. 2329, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROVISIONAL LICENSES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Dela Cruz, Taniguchi).

S.B. No. 2331, S.D. 2, H.D. 1:

On motion by Senator Tokuda, seconded by Senator Baker and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2331, S.D. 2, and S.B. No. 2331, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TEACHERS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Dela Cruz, Taniguchi).

S.B. No. 2822, S.D. 1, H.D. 1:

On motion by Senator Baker, seconded by Senator Hee and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2822, S.D. 1, and S.B. No. 2822, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR REAL ESTATE APPRAISERS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Dela Cruz, Taniguchi).

At this time, Senator Ruderman rose to invite the members to participate in his office’s dessert sale to benefit the Hawaii Foodbank.

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

“Madam President, colleagues, as you know, I’m the area legislator for one of the hotpots of Hawai’i: the vibrant growth that’s going on with Kaka’ako these days. And we’re very, very proud of what we’ve done and what we plan to do in the future for the urban core: one of the most important growth processes Hawai’i will see in the near future – in the far future, as well. There are a few very important bills that are advancing; one, in particular, is 1866. We’ve managed to meet with many of the stakeholders about the growth of the Kaka’ako area and, of course, HCDA, being the authority that governs this area and He’eia area – part of He’eia and part of the Kalaeloa area. We took great pains to convene meetings in my office, I might add, of the stakeholders. We knew the concerns of our community;

we knew the concerns of the developers, the labor area, the HCDA themselves, and the governor’s office. And for the past month, we have been meeting to recalibrate the processes of the Hawaii Community Development Authority, and we crafted what we consider a bill worthy of your consideration.

“Now, having said that, part of the growth of Kaka’ako will be the ownership of the lands on the makai. Makai of what? Shall we move the makai to Ilalo Street? And so everything mauka can grow? Or shall we take the makai and shall we grow the makai? So, the Office of Hawaiian Affairs, in a bill that has been advancing – that passed, by the way, 41 to 10 in the House – to ask for residential on the makai is now at a juncture where the crossroads is either put up or shut up. Now, are we going to ask the Hawaiians to wait a little bit more? Well, that’s up to the Legislature.

“So, the bill passes the body on the other side of this grand building 41 to 10 – headed to conference. And in the midst of all of this ‘legislative process,’ shall we say, my colleague on the other side of the building expounds on the fact that this bill is dead on arrival. ‘We already have irreconcilable differences with the Senate.’ What would that be? They agreed to our bill. So, is it a forewarned conclusion that the House is going to kill something that they just agreed on? Is that how we do business here in this house? Is that how we do business here in the Legislature? I don’t think so.

“Furthermore, since I’m on the topic of OHA on the makai, let’s talk about the fallacies that have been expounded by those who oppose development on the makai. Shoreline development: what does that mean? The last time I looked, shoreline development was on the shoreline; in this particular case, it’s almost half a mile from the shore. That’s shoreline development? More than 2,000 feet from the shoreline? Okay. ‘I won’t be able to get to where I’ve recreated for years.’ There’s five streets that take you to the shoreline! Okay. Those are but two of the fallacies that have been expounded by opponents of the bill.

“In addition to that, colleagues, within the bill – and we know it because we voted for it – we have put fees for everyone who lives in that area so that the park will be secure and the park will be taken care of. It is almost a self-sufficient process that we’re trying to allow OHA to do; and then the bottom line is that OHA still has to ask HCDA for the ability to build residential on the makai.

“Now, this is what I do not appreciate. I don’t appreciate anybody standing up in the public forum and saying that if we go to conference, we don’t need to talk about anything because it’s done. Is that the way to do business with the Senate? Is that why we’re the upper house? Because we don’t do business like that? Well, I’ve got news for anybody who does business like that: you’ve got something coming. When we go to conference, we intend to talk the bill. We intend to take every opportunity to vet the bill; and at the end of the day, if the conference committee decides that it’s dead on arrival, then we will decide that – certainly not half the House, certainly not half this Capitol. I wanted to share that with you because I was incensed by the comment by the Majority Leader of the House, saying that ‘we go to conference, the bill is done,’ even before we hit the table.

“So, I hope my words are ringing somewhere and it’s just not empty because we intend to go to conference and talk it out. Let’s not send our messages over there that our foregone conclusion is that we pass something, but our words – basically, our votes – are empty because that’s essentially what we read and what we learned.

“I want to thank the Senate President for the opportunity to share this and, of course, the merits of the bill. It wasn’t

intended to share the merits of the bill, but, I think, the fallacies I certainly wanted to expound on. Thank you, Madam President.”

Senator Shimabukuro rose to echo the comments of the previous speaker and thank him for his remarks, as well as to remind the members of her office’s upcoming lunch plate sale to benefit the Hawaii Foodbank.

ADJOURNMENT

At 12:53 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Friday, April 11, 2014.