

THIRTY-FIRST DAY

Thursday, March 14, 2013

The Senate of the Twenty-Seventh Legislature of the State of Hawai'i, Regular Session of 2013, convened at 11:33 a.m. with the Vice President in the Chair.

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

The Vice President announced that he had read and approved the Journal of the Thirtieth Day.

At this time, Senator Green noted that it was the State Council on Developmental Disabilities' 13th Annual Day at the Capitol, and welcomed guests from Hilopa'a Family to Family Health Information Center, Ho'opa'a Hawai'i Autism State Implementation Grant, and the Hawaii Waiver Providers Association; Executive Administrator Waynette Cabral; and the participants, family members, personal assistants, service providers, and other advocates for developmental disabilities from across the state who were seated in the gallery.

Senator Slom rose to recognize and congratulate the recipients of the United States Small Business Administration's 2013 State of Hawai'i Awards, and noted that the annual awards honor and recognize outstanding leaders in Hawai'i's small business community who have demonstrated outstanding skills, savvy, staying power, and the ability to create success; created jobs; have shown innovation in both products and services that have increased revenues annually; and have advocated for small businesses.

Senator Thielen recognized Dr. James Kwong and David Yogi, who was not in attendance, of Yogi Kwong Engineers, LLC for being named Small Business Person of the Year. Dr. Kwong was accompanied by Mel Racadio of Bank of Hawaii who nominated them for the award.

Senator Kahele congratulated Alan Ikawa, president, chief executive officer, and founder of Big Island Candies, for being named the Entrepreneurial Success of the Year. Mr. Ikawa was accompanied by Art Taniguchi and Roberta Chu of Bank of Hawaii who nominated him for the award.

Senator Slom recognized FSC Architects for being named Small Business Exporter of the Year, and introduced co-founders Jim Freeman, Ralph Shelbourne, and Ben Candari, who were not in attendance but who were represented by Sandra Vajes, Rowena Tomas, Dori Gusman, and Dave Ebaugh, as well as Angie Shiroma of First Hawaiian Bank who nominated them for the award.

Senator Tokuda congratulated HanaPa'a Fishing Company, for being named the Family Owned Small Business of the Year, and recognized Sterling Kaya, second-generation owner and operator who was not in attendance.

Senator Ihara recognized Billy Giang, president of Pho Factory and Saigon Garden, for being named Young Entrepreneur of the Year.

Senator Dela Cruz congratulated José Villa, president of Latin Business Hawaii, for being named the Minority Champion of the Year.

Senator Gabbard recognized Naomi Hazelton-Giambrone, co-owner of Element Media, for being named the Women in Business Champion of the Year. Ms. Hazelton-Giambrone was not in attendance; Senator Gabbard introduced Krista Sherkey of Streamline6 Communications who nominated her for the award.

Senator Keith-Agaran congratulated Robert Kawahara, owner of Kawahara + Co., Certified Public Accountants, LLC, for being named the Financial Services Champion of the Year. Mr. Kawahara was not in attendance, but was represented by Art Taniguchi.

Senator Keith-Agaran also recognized Leslie Wilkins, vice president of the Maui Economic Development Board, for being named the Veteran Small Business Champion of the Year. Ms. Wilkins was accompanied by Alvin Imada of Central Pacific Bank who nominated her for the award.

Senator Keith-Agaran then congratulated Craig Swift, director of Maui Economic Opportunity Business Development Division, for being named the Home-Based Business Champion of the Year. Mr. Swift was not in attendance, but was represented by Angie Shiroma.

Senator Slom also introduced Jane Sawyer, Hawai'i district director for the U.S. Small Business Administration.

Senator Galuteria extended an additional welcome to the participants in the State Council on Developmental Disabilities' Day at the Capitol, and introduced his son Sean who represented his peers in the gallery.

Senator Green introduced Gretchen Lawson and Curtis Tyler from Kona who were participating as leaders with the State Council on Developmental Disabilities' Day at the Capitol.

At 11:53 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 237 to 243) were read by the Clerk and were placed on file:

Gov. Msg. No. 237, dated February 22, 2013, transmitting the Information Privacy and Security Council Reports, prepared by the Office of Information Management and Technology pursuant to Act 10, SLH 2008.

Gov. Msg. No. 238, dated February 27, 2013, transmitting the Annual Report on Solid Waste Management, prepared by the Department of Health pursuant to Section 342G-15, HRS.

Gov. Msg. No. 239, dated February 27, 2013, transmitting the Annual Report on Forensic Patient Data, Specific to the Hawaii State Hospital, prepared by the Department of Health pursuant to Section 334-16, HRS.

Gov. Msg. No. 240, dated February 27, 2013, transmitting the State Council on Mental Health's Annual Report on Implementation of the Statewide Comprehensive Integrated Services Plan, prepared by the Department of Health pursuant to Section 334-10(e), HRS.

Gov. Msg. No. 241, dated March 7, 2013, transmitting the Relating to the State Budget Report on Home-to-School Transportation Costs, prepared by the Department of Education pursuant to Act 164, SLH 2011, as amended by Act 106, Section 4, SLH 2012.

Gov. Msg. No. 242, dated March 7, 2013, transmitting the Temporary Assistance For Needy Families (TANF) Financial Plan Reports, prepared by the Department of Human Services pursuant to Act 164, Sections 126 and 128, SLH 2011.

Gov. Msg. No. 243, dated January 9, 2013, transmitting the Office of Information Management and Technology

Procurement Report as of December 31, 2012, pursuant to Act 222, SLH 2012.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 376 to 378) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 376, transmitting H.B. No. 197, H.D. 2, which passed Third Reading in the House of Representatives on March 13, 2013, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 197, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading by title and was referred to the Committee on Judiciary and Labor, then to the Committee on Ways and Means.

Hse. Com. No. 377, transmitting H.B. No. 200, H.D. 1, which passed Third Reading in the House of Representatives on March 13, 2013, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 200, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 378, transmitting H.B. No. 222, H.D. 2, which passed Third Reading in the House of Representatives on March 13, 2013, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 222, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," passed First Reading by title and was referred to the Committee on Tourism and Hawaiian Affairs, then to the Committee on Ways and Means.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 859) recommending that H.B. No. 423 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 423, entitled: "A BILL FOR AN ACT RELATING TO BUREAU OF CONVEYANCES," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 860) recommending that H.B. No. 998 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 998, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE TRANSFER FEES," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Solomon, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 861) recommending that the Senate advise and consent to the nomination of BENJAMIN SHAFER to the Kahana Valley Living Park Planning Council, in accordance with Gov. Msg. No. 668.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 861 and Gov. Msg. No. 668 was deferred until Friday, March 15, 2013.

Senator Solomon, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 862) recommending that the Senate advise and consent to the nomination of LORI BUCHANAN to the Legacy Land Conservation Commission, in accordance with Gov. Msg. No. 669.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 862 and Gov. Msg. No. 669 was deferred until Friday, March 15, 2013.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 857 (Gov. Msg. No. 635):

Senator Taniguchi moved that Stand. Com. Rep. No. 857 be received and placed on file, seconded by Senator Kahele and carried.

Senator Taniguchi then moved that the Senate advise and consent to the nomination of FRANCISCO HERNANDEZ to the Western Interstate Commission for Higher Education, term to expire June 30, 2017, seconded by Senator Kahele.

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

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

Stand. Com. Rep. No. 858 (Gov. Msg. No. 630):

Senator Taniguchi moved that Stand. Com. Rep. No. 858 be received and placed on file, seconded by Senator Kahele and carried.

Senator Taniguchi then moved that the Senate advise and consent to the nomination of RAYNARD SOON to the Board of Directors of the Research Corporation of the University of Hawaii, term to expire June 30, 2017, seconded by Senator Kahele.

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

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

At this time, Senator Taniguchi introduced Raynard Soon, newly confirmed member of the Board of Directors of the Research Corporation of the University of Hawai'i.

Senator Green noted that it was World Kidney Day and invited the members to learn more about kidney disease and what could be done to help constituents, friends, and family members across the state to deal with this illness.

Senator Shimabukuro rose to wish Senator Hee a happy 60th birthday.

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

"Mr. President and colleagues, this is the 31st day of the session; we've now passed the halfway point. And apparently, some of my colleagues did not know that one of the bills that we worked on and we fast-tracked a week and a half ago was the bill to give relief to small businesses in terms of their unemployment compensation taxes. This is an appropriate time to talk about this today when we honored small business champions. We passed the bill, and I remember at the time that the good chairs of Judiciary and Ways and Means both brought up the fact that the House was trying to cobble the minimum wage bill on top of this one – pass them together – and they both pointed out eloquently that these are two separate issues and that there was a deadline of March 8 to fast-track this. The governor was ready to sign the bill so that there would be

Schedule F, meaning the same unemployment compensation tax rates this year as last year.

“Well, the House did it, that dysfunctional body over there; they continued their belief that they had to put minimum wage on it, and my knowledge is that the bill has died. I don’t know if the Department of Labor can extend the deadline; probably not. And what that means is that every business, and particularly the small businesses in our state, will suffer yet another increase this year on unemployment comp.

“But I salute my colleagues: we did the right thing, and we fast-tracked that, but I wanted everybody to know that. Thank you, Mr. President.”

RE-REFERRAL OF A HOUSE BILL

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

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

H.B. No. 865, H.D. 1 Committee on Education, then to the
 Committee on Ways and Means

ADJOURNMENT

At 12:08 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Friday, March 15, 2013.