

THIRTY-SECOND DAY

Friday, March 15, 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 Senators Kim, Solomon, and Taniguchi who were excused.

The Vice President announced that he had read and approved the Journal of the Thirty-First Day.

At this time, Senator Espero introduced a group of fifth-grade students from Ewa Beach Elementary and their teachers Stacy George, Amy Lance, Kierstin Shimazu, and Judi Tatsuyama.

Senator Chun Oakland introduced a group of social work students and faculty from the University of Hawai'i, Hawai'i Pacific University, and Brigham Young University, along with social workers and members of the National Association of Social Workers (NASW) who were participating in Legislative Day and honoring March as National Professional Social Work Month. Also recognized were members of the Legislative Planning Committee including Kiai Lee, Michael Paeste, Renae Balentin, Stephanie Batzer, Karissa Kienny, William Maemori, and Executive Director of NASW Hawai'i Chapter Marty Oliphant.

Senator Chun Oakland then introduced members of the Honolulu Community Action Program Head Start which was in its 48th year of operation and currently serves over 1,659 economically disadvantaged children and families within the City and County of Honolulu annually.

Senator Gabbard honored and commended the Kalaeloa Public Safety Team for their collaborative efforts to make Kalaeloa a "Wahi Ho'okela" (Center for Excellence) within the 'Ewa region, and introduced the following guests: Commander Carola List, United States Coast Guard; Victor Flint, Navy Region Hawai'i/NAVFAC Installation; Director Glenn Okimoto, Department of Transportation; Pratt Kinimaka, Department of Transportation Highways Division; Pearlyn Fukuba, Hawaii Community Development Authority (HCDA); Darrell Young, acting deputy director for the Department of Hawaiian Home Lands; Sergeant Kurt Ng, Honolulu Police Department; Captain Rob Main, Honolulu Fire Department; Sergeant Charles DeLugo, Joint Base Pearl Harbor-Hickam – Westloch Police Annex; and Dexter Liu, City and County of Honolulu Department of Parks and Recreation, who was not in attendance.

Senator Gabbard also introduced Tesha Malama, director of Planning and Development for HCDA; Elizabeth Ng, wife of Sergeant Ng; Charlie Fukuba, husband of Pearlyn Fukuba; Lieutenant Commander Gerald William; and Steven Tabangcura who were seated in the gallery.

Senator Galuteria welcomed Anthony Ching, executive director of HCDA.

At 11:44 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:50 a.m.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 863) recommending that H.B. No. 424, H.D. 1, as amended

in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 424, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIMESHARE CONVEYANCES," 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. 864) recommending that H.B. No. 1150, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1150, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 865) recommending that H.B. No. 353, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 353, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," 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. 866) recommending that H.B. No. 1388, H.D. 1 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1388, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST A PROCESSING ENTERPRISE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Solomon, for the majority of the Committee on Commerce and Consumer Protection and the majority of the Committee on Water and Land, presented a joint report (Stand. Com. Rep. No. 867) recommending that H.B. No. 760, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the majority of the Committees was adopted and H.B. No. 760, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 868) recommending that H.C.R. No. 3, as amended in S.D. 1, be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 3, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING CONGRESS AND THE PRESIDENT TO RE-STATE THAT THE CONGRESSIONAL INTENT OF THE FEDERAL UNIFORM CONTROLLED

SUBSTANCES ACT IS NOT TO PROHIBIT THE PRODUCTION OF INDUSTRIAL HEMP,” was referred to the Committee on Commerce and Consumer Protection.

Senator Solomon, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 869) recommending that S.C.R. No. 20 be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 20, entitled: “SENATE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON A LAND EXCHANGE,” was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 870) recommending that S.C.R. No. 21 be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 21, entitled: “SENATE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON A LAND EXCHANGE AND SALE OF PROPERTY,” was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 871) recommending that S.C.R. No. 22 be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 22, entitled: “SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING PORTION OF STATE SUBMERGED LANDS AT KAALAEA, KOOLAUPOKO, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING SEAWALL, AND FOR USE, MAINTENANCE, AND REPAIR OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON,” was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 872) recommending that S.C.R. No. 23, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 23, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING PORTION OF STATE SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING PIER, SEAWALL, AND LANDSCAPING AREA, AND FOR USE, MAINTENANCE, AND REPAIR OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON,” was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 873) recommending that S.C.R. No. 40 be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 40, entitled: “SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KAPAHULU, HONOLULU, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING SEAWALL AND STEPS,” was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 874) recommending that S.C.R. No. 46, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 46, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT LANIKAI, KOOLAUPOKO, OAHU, FOR SEAWALL AND REVETMENT PURPOSES,” was referred to the Committee on Ways and Means.

Senator English, for the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 875) recommending that S.R. No. 31, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 875 and S.R. No. 31, S.D. 1, entitled: “SENATE RESOLUTION URGING THE GOVERNOR, DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII, BOARD OF EDUCATION, AND HAWAII’S CONGRESSIONAL DELEGATION TO STRENGTHEN THE SISTER-STATE RELATIONSHIP WITH TAIWAN IN COMMEMORATION OF THE TWENTIETH ANNIVERSARY OF THE SISTER-STATE RELATIONSHIP BETWEEN HAWAII AND TAIWAN,” was deferred until Monday, March 18, 2013.

Senator English, for the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 876) recommending that S.C.R. No. 61, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 876 and S.C.R. No. 61, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR, DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII, BOARD OF EDUCATION, AND HAWAII’S CONGRESSIONAL DELEGATION TO STRENGTHEN THE SISTER-STATE RELATIONSHIP WITH TAIWAN IN COMMEMORATION OF THE TWENTIETH ANNIVERSARY OF THE SISTER-STATE RELATIONSHIP BETWEEN HAWAII AND TAIWAN,” was deferred until Monday, March 18, 2013.

Senators Solomon and Galuteria, for the Committee on Water and Land and the Committee on Tourism and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 877) recommending that H.B. No. 941 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 941, entitled: “A BILL FOR AN ACT RELATING TO THE NATURAL AREA RESERVES SYSTEM COMMISSION,” passed Second Reading and was placed on the calendar for Third Reading on Monday, March 18, 2013.

ORDER OF THE DAY**ADVISE AND CONSENT**

Stand. Com. Rep. No. 861 (Gov. Msg. No. 668):

Senator Shimabukuro moved that Stand. Com. Rep. No. 861 be received and placed on file, seconded by Senator Dela Cruz and carried.

Senator Shimabukuro then moved that the Senate advise and consent to the nomination of BENJAMIN SHAFER to the Kahana Valley Living Park Planning Council, term to expire June 30, 2015, seconded by Senator Dela Cruz.

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

Ayes, 20. Noes, none. Excused, 5 (Baker, Hee, Kim, Solomon, Taniguchi).

Stand. Com. Rep. No. 862 (Gov. Msg. No. 669):

Senator Shimabukuro moved that Stand. Com. Rep. No. 862 be received and placed on file, seconded by Senator Dela Cruz and carried.

Senator Shimabukuro then moved that the Senate advise and consent to the nomination of LORI BUCHANAN to the Legacy Land Conservation Commission, term to expire June 30, 2016, seconded by Senator Dela Cruz.

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

Ayes, 20. Noes, none. Excused, 5 (Baker, Hee, Kim, Solomon, Taniguchi).

RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bills that were received:

H.B. No.:	Re-referred to:
H.B. No. 70, H.D. 2	Committee on Economic Development, Government Operations and Housing, then to the Committee on Ways and Means
H.B. No. 70, H.D. 2	Jointly to the Committee on Economic Development, Government Operations and Housing and the Committee on Technology and the Arts, then to the Committee on Ways and Means
H.B. No. 668, H.D. 2	Jointly to the Committee on Health and the Committee on Public Safety, Intergovernmental and Military Affairs, then jointly to the Committee on Judiciary and Labor and the Committee on Ways and Means
H.B. No. 915	Committee on Ways and Means

At this time, Senator Green distributed green ribbons to the members of the Senate to increase awareness of the importance of organ transplant programs and to encourage organ and tissue donations to save lives.

Senator Kahele introduced Daryl Smith, president of the Friends of the Volcano School of Arts and Sciences Charter School who was seated in the gallery.

The Chair concluded the session by officially acknowledging his colleagues for their exemplary behavior during the three days he presided as Chair.

ADJOURNMENT

At 11:54 a.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Monday, March 18, 2013.