

## THIRTY-FIFTH DAY

## Wednesday, March 20, 2013

The Senate of the Twenty-Seventh Legislature of the State of Hawai'i, Regular Session of 2013, convened at 11:39 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 Thirty-Fourth Day.

At this time, Senator English introduced Consul General of Japan Toyoei Shigeeda, who was seated in the gallery with Consul of General Affairs Kazuo Tsukada, Consul of Political Affairs Kiyoshi Mihara, Assistant to the Consul General Susan Yamashita, and staff member Lisa Sakamoto.

Senator Ige welcomed the following students from Waimalu Elementary School and Gus Webling Elementary School who were at the State Capitol to testify on a number of measures: Kaila Takai, Matthew Takai, Logan Ho, Ethan Ho, Raelyn Yoshioka, Jaymie Nomura, and Erin Morinaga. The students were accompanied by chaperones Brandon Ho and Alette Yoshii-Ho, as well as Eric and Naomi Takai, parents of State Representative K. Mark Takai.

Senators Tokuda offered her mahalo to Senator Hee for his participation in that morning's events with the Windward Community College Veterinary Technology program, and extended additional thanks to the University of Hawai'i John A. Burns School of Medicine; University of Hawai'i Cancer Center; University of Hawai'i at Mānoa College of Tropical Agriculture and Human Resources; University of Hawai'i at Mānoa band and cheerleaders; University of Hawai'i at Hilo College of Pharmacy; Kapi'olani Community College; and the University of Hawai'i Alumni Association.

Senator Kouchi recognized Debra Lindsey, former principal of Koloa Elementary School and current principal of Kaua'i High School, for receiving the 2012 Masayuki Tokioka Excellence in School Leadership Award. Ms. Lindsey was accompanied by her husband Myron and son Makana.

Senator Hee congratulated Randiann Porras-Tang, principal of Waialua High and Intermediate School, on her selection as the 2012 MetLife/National Association of Secondary School Principals (NASSP) Hawai'i High School Principal of the Year.

Senator Ige commended Stacey Makanoie Kawasaki of Wai'au Elementary School on her selection as Hawai'i's 2012 National Association of Elementary School Principals (NAESP) Outstanding Assistant Principal of the Year. Ms. Kawasaki was accompanied by her son Kody and daughter Karlee.

Senator Wakai recognized Kenneth Lee, principal of Nimitz Elementary School, for his selection as Hawai'i's 2012 National Distinguished Principal. Mr. Lee was represented by Vice Principal Herman Leong.

Senator Slom recognized Frank Fernandes, principal of Kaimuki Middle School who was not in attendance, for his selection as the 2012 MetLife/NASSP Hawai'i Middle School Principal of the Year.

Senator Slom honored Waikiki Elementary School for being named a 2013 Hawai'i Blue Ribbon School, and introduced Principal Bonnie Tabor, who was accompanied by Dolly Bahn, Richard Furmark, and John and Janet Erickson.

Senator Thielen recognized Blanche Pope Elementary School for being named a 2013 Hawai'i Blue Ribbon School, and introduced former Principal Ofelia Reed, who was

accompanied by her husband Gary; family members Angel Carag, Fely Carag, Edwin Carag, Vicky Acosta, and Jose Acosta; and Todd Watanabe, current principal of Blanche Pope Elementary School.

Senator Chun Oakland congratulated Nu'uano Elementary School for being named a 2013 Hawai'i Blue Ribbon School, and introduced Principal James Toyooka who was accompanied by his wife Gail.

At 12:01 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:07 p.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 711 to 714) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 711, submitting for consideration and confirmation to the University of Hawai'i Board of Regents, the nomination of EUGENE BAL III, term to expire June 30, 2018, was referred to the Committee on Higher Education.

Gov. Msg. No. 712, submitting for consideration and confirmation to the University of Hawai'i Board of Regents, the nomination of BARRY MIZUNO, term to expire June 30, 2018, was referred to the Committee on Higher Education.

Gov. Msg. No. 713, submitting for consideration and confirmation to the University of Hawai'i Board of Regents, the nomination of RANDOLPH MOORE, term to expire June 30, 2013, was referred to the Committee on Higher Education.

Gov. Msg. No. 714, submitting for consideration and confirmation to the University of Hawai'i Board of Regents, the nomination of RANDOLPH MOORE, term to expire June 30, 2018, was referred to the Committee on Higher Education.

## STANDING COMMITTEE REPORTS

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 917) recommending that H.B. No. 182, H.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. 182, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILES," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 918) recommending that H.B. No. 385, H.D. 2 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. 385, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 919) recommending that H.B. No. 1119, 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. 1119, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC HOUSING AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 920) recommending that H.B. No. 1188, 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. 1188, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ECONOMIC OPPORTUNITY POVERTY REDUCTION TASK FORCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 921) recommending that H.B. No. 740 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. 740, entitled: "A BILL FOR AN ACT RELATING TO OPEN CONTAINERS OF INTOXICATING LIQUORS IN PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 922) recommending that H.B. No. 532, H.D. 2, 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. 532, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 923) recommending that H.B. No. 1430, H.D. 2, 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. 1430, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Green and Baker, for the Committee on Health and the Committee on Commerce and Consumer Protection, presented a joint report (Stand. Com. Rep. No. 924) recommending that H.B. No. 656, H.D. 2, 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 H.B. No. 656, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE ADMINISTRATIVE UNIFORMITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 925) recommending that H.B. No. 2 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. 2, entitled: "A BILL FOR AN ACT RELATING TO LONG TERM CARE," 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. 926) recommending that H.B. No. 25, H.D. 2, 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. 25, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUSPENSION OF FORECLOSURE ACTIONS BY JUNIOR LIENHOLDERS," 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. 927) recommending that H.B. No. 144, H.D. 2, 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. 144, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL EMPLOYER ORGANIZATIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tokuda, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 928) recommending that H.B. No. 865, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

Senator Thielen requested her vote be cast "Aye with Reservations," and the Chair so ordered.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and H.B. No. 865, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL REDEVELOPMENT," passed Second Reading with Senator Thielen voting "Aye with Reservations," and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 929) recommending that H.B. No. 276, H.D. 2 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. 276, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE SENIOR RESIDENCE AT PIKOI, OAHU," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 930) recommending that H.B. No. 395, H.D. 2, 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. 395, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Green, for the Committee on Human Services and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 931) recommending that H.B. No. 398, H.D. 1, as amended in S.D. 1, 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 joint report of the Committees was adopted and H.B. No. 398, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senators Galuteria and Wakai, for the Committee on Tourism and Hawaiian Affairs and the Committee on Technology and the Arts, presented a joint report (Stand. Com. Rep. No. 932) recommending that H.B. No. 109, H.D. 3, 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 H.B. No. 109, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN LANGUAGE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Nishihara and Solomon, for the Committee on Agriculture and the Committee on Water and Land, presented a joint report (Stand. Com. Rep. No. 933) recommending that H.B. No. 1263, H.D. 2, 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 H.B. No. 1263, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Green, for the Committee on Human Services and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 934) recommending that H.B. No. 1258, H.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 joint report of the Committees was adopted and H.B. No. 1258, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGING," passed Second Reading and was placed on the calendar for Third Reading on March 21, 2013.

Senators Galuteria and Wakai, for the Committee on Tourism and Hawaiian Affairs and the Committee on Technology and the Arts, presented a joint report (Stand. Com. Rep. No. 935) recommending that H.B. No. 1089, H.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 joint report of the Committees was adopted and H.B. No. 1089, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KALO APPRECIATION MONTH," passed Second Reading and was placed on the calendar for Third Reading on March 21, 2013.

Senator English, for the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 936) recommending that the Senate advise and consent to the nomination of STEVEN KYONO to the State Highway Safety Council, in accordance with Gov. Msg. No. 590.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 936 and Gov. Msg. No. 590 was deferred until Thursday, March 21, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 937) recommending that the Senate advise and consent to the nomination of THOMAS JOSLYN to the State Board of Nursing, in accordance with Gov. Msg. No. 614.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 937 and Gov. Msg. No. 614 was deferred until Thursday, March 21, 2013.

## ORDER OF THE DAY

### THIRD READING

H.B. No. 373:

On motion by Senator Green, seconded by Senator Baker and carried, H.B. No. 373, entitled: "A BILL FOR AN ACT RELATING TO MAMMOGRAPHY REPORTING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At this time, Senator Dela Cruz introduced Ernest Y.W. Lau, Manager and Chief Engineer of the Honolulu Board of Water Supply, and David Craddick, Manager and Chief Engineer for Kaua'i's Department of Water.

Senator Taniguchi, Chair of the Committee on Higher Education, requested a waiver of the notice requirement pursuant to Senate Rule 21 to hold a hearing on H.B. No. 71 and H.B. No. 114, H.D. 3.

Senator Taniguchi noted:

"It's a joint hearing, so both chairs decided to have a hearing at a late point, and we were not able to get the notice out properly."

The Chair granted the waiver.

Senator Taniguchi announced that the Committee on Higher Education and Committee on Economic Development, Government Operations and Housing would hold a public hearing on H.B. No. 71 and H.B. No. 114, H.D. 3 on Thursday, March 21, 2013, at 2:45 p.m. in Conference Room 414.

Senator Shimabukuro introduced Meleana and Kaleo Keli'ikoa-Kama'i, two students from her district who attend Hawaiian language immersion school and were seated in the gallery.

Senator Kahele introduced members of the UH-Hilo Student Association including President Mike Sado, Senator-at-Large Paul Elias, Director Margarita Morales, Data and College of Arts & Sciences Senator Jordan Tobias, and Treasurer Rachel Nazara.

Senator Espero, Chair of the Committee on Public Safety, Intergovernmental Operations and Housing, requested a waiver of the notice requirement pursuant to Senate Rule 21 to hold a hearing on H.B. No. 1419, H.D. 2.

Senator Espero noted:

"This measure is a funding bill for PISCES – the Pacific International Space Center for Exploration Systems – on the Big Island, and the reason for the waiver is because we were a little late getting to the deadline. Sorry."

The Chair granted the waiver.

Senator Espero announced that the Committee on Public Safety, Intergovernmental and Military Affairs and Committee on Economic Development, Government Operations and Housing would hold a public hearing on H.B. No. 1419, H.D. 2

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on Thursday, March 21, 2013, at 2:30 p.m. in Conference Room 224.

Senator Tokuda rose to inform the members that Education Week would continue the following day with events including a book sale by the Friends of the Library of Hawai'i.

**ADJOURNMENT**

At 12:12 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Thursday, March 21, 2013.