

## FIFTY-THIRD DAY

## Friday, April 19, 2013

The Senate of the Twenty-Seventh Legislature of the State of Hawai'i, Regular Session of 2013, convened at 11:35 a.m. with the President in the Chair.

The Roll was called showing all Senators present with the exception of Senators Keith-Agaran and Kouchi who were excused.

The President announced that she had read and approved the Journal of the Fifty-Second Day.

At this time, Senator Solomon extended best wishes to Uncle Roy Benham on his 90th birthday, and expressed warmest appreciation for his continued support for the betterment of Native Hawaiians and their communities.

Senator Galuteria rose to add that Uncle Roy's 73rd class reunion marking his graduation from Kamehameha Schools was approaching, urging those in attendance to bear this in mind as they – as has Uncle Roy – age beautifully.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 263 and 797) were read by the Clerk and were placed on file:

Gov. Msg. No. 263, dated April 18, 2013, transmitting a proposed conference draft (C.D. 1) amending H.B. No. 820, S.D. 1, to fund the settlement concerning the Hawaii State Teachers Association.

Gov. Msg. No. 797, informing the Senate that on April 17, 2013, the Governor withdrew ISAAC HARP, Gubernatorial Nominee to the Island Burial Council, Island of Hawai'i, from consideration by the Senate (Gov. Msg. No. 730).

## DEPARTMENTAL COMMUNICATION

The following communication (Dept. Com. No. 99) was read by the Clerk and was placed on file:

Dept. Com. No. 99, from the State Procurement Office dated April 11, 2013, transmitting the Monthly Report on the Status of Information Technology Procurements for the month of March through April 12, 2013, pursuant to Act 222, SLH 2012.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 704 to 711) were read by the Clerk and were placed on file:

Hse. Com. No. 704, informing the Senate that on April 18, 2013, the Speaker appointed conferees on the part of the House for the consideration of amendments proposed by the House to the following Senate bills:

S.B. No. 535, S.D. 1 (H.D. 2):

Representatives Nakashima, Tsuji, Rhoads, co-chairs; Hashem, Johanson.

S.B. No. 946, S.D. 1 (H.D. 1):

Representatives Nakashima, Luke, co-chairs; Cachola, Johanson.

S.B. No. 1254, S.D. 1 (H.D. 1):

Representatives Belatti, Morikawa, co-chairs; Woodson, Fukumoto.

Hse. Com. No. 705, informing the Senate that on April 18, 2013, the House discharged all conferees to H.B. No. 808, H.D. 1 (S.D. 1).

Hse. Com. No. 706, informing the Senate that on April 18, 2013, the House agreed to the amendments proposed by the Senate to H.C.R. No. 3, and H.C.R. No. 3, S.D. 2 was Finally Adopted in the House of Representatives.

Hse. Com. No. 707, informing the Senate that on April 18, 2013, the House reconsidered its action taken on March 28, 2013, in disagreeing to the amendments proposed by the Senate to H.B. No. 999, H.D. 2 (S.D. 1)

Hse. Com. No. 708, informing the Senate that on April 18, 2013, the House reconsidered its action taken on April 4, 2013, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 178, H.D. 1 (S.D. 1); and  
H.B. No. 929 (S.D. 1).

Hse. Com. No. 709, informing the Senate that on April 18, 2013, the House reconsidered its action taken on April 5, 2013, in disagreeing to the amendments proposed by the Senate to H.B. No. 811, H.D. 2 (S.D. 1).

Hse. Com. No. 710, informing the Senate that on April 18, 2013, the House reconsidered its action taken on April 11, 2013, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 808, H.D. 1 (S.D. 1);  
H.B. No. 918, H.D. 1 (S.D. 1); and  
H.B. No. 1202, H.D. 1 (S.D. 1).

Hse. Com. No. 711, informing the Senate that on April 18, 2013, the House agreed to the amendments proposed by the Senate to H.B. No. 1268, H.D. 1, and H.B. No. 1268, H.D. 1, S.D. 1 passed Final Reading in the House of Representatives.

## STANDING COMMITTEE REPORTS

Senator Dela Cruz, for the Committee on Economic Development, Government Operations and Housing, presented a report (Stand. Com. Rep. No. 1585) recommending that the Senate advise and consent to the nominations to the Small Business Regulatory Review Board of the following:

ANTHONY BORGE, in accordance with Gov. Msg. No. 526;

BARBARA BENNETT, in accordance with Gov. Msg. No. 527;

CHU LAN SHUBERT-KWOCK, in accordance with Gov. Msg. No. 528;

HOWARD LUM, in accordance with Gov. Msg. No. 529;

KYOKO KIMURA, in accordance with Gov. Msg. No. 530;

LESLIE MULLENS, in accordance with Gov. Msg. No. 531; and

CRAIG TAKAMINE, in accordance with Gov. Msg. No. 792.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1585 and Gov. Msg. Nos. 526, 527, 528, 529, 530, 531, and 792 was deferred until Monday, April 22, 2013.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1586) recommending that the Senate advise and consent to the nomination of SANDI

KATO-KLUTKE to the Board of Directors of the Agribusiness Development Corporation, in accordance with Gov. Msg. No. 768.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1586 and Gov. Msg. No. 768 was deferred until Monday, April 22, 2013.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1587) recommending that the Senate advise and consent to the nomination of CLARK HASHIMOTO to the Board of Agriculture, in accordance with Gov. Msg. No. 777.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1587 and Gov. Msg. No. 777 was deferred until Monday, April 22, 2013.

Senator Dela Cruz, for the Committee on Economic Development, Government Operations and Housing, presented a report (Stand. Com. Rep. No. 1588) recommending that the Senate advise and consent to the nominations to the Stadium Authority of the following:

KEITH BUKOSKI, in accordance with Gov. Msg. No. 620;

CHARLES TOGUCHI, in accordance with Gov. Msg. No. 621; and

WILBERT CHEE, in accordance with Gov. Msg. No. 757.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1588 and Gov. Msg. Nos. 620, 621, and 757 was deferred until Monday, April 22, 2013.

Senator Dela Cruz, for the Committee on Economic Development, Government Operations and Housing, presented a report (Stand. Com. Rep. No. 1589) recommending that the Senate advise and consent to the nominations to the Board of Directors of the Hawai'i Housing Finance and Development Corporation of the following:

RALPH MESICK, in accordance with Gov. Msg. No. 716; and

BETTY LOU LARSON, in accordance with Gov. Msg. No. 717.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1589 and Gov. Msg. Nos. 716 and 717 was deferred until Monday, April 22, 2013.

Senator Dela Cruz, for the Committee on Economic Development, Government Operations and Housing, presented a report (Stand. Com. Rep. No. 1590) recommending that the Senate advise and consent to the nominations to the Board of Directors of the Hawai'i Strategic Development Corporation of the following:

H. BRIAN MOORE, in accordance with Gov. Msg. No. 718; and

JEFFREY TORRES, in accordance with Gov. Msg. No. 758.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1590 and Gov. Msg. Nos. 718 and 758 was deferred until Monday, April 22, 2013.

Senator Dela Cruz, for the Committee on Economic Development, Government Operations and Housing, presented a report (Stand. Com. Rep. No. 1591) recommending that the Senate advise and consent to the nomination of SHIRLEY SWINNEY to the Hawai'i Community Development Authority (Kalaeloa District), in accordance with Gov. Msg. No. 759.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1591 and Gov. Msg. No. 759 was deferred until Monday, April 22, 2013.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 1592) recommending that H.C.R. No. 164, H.D. 1 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1592 and H.C.R. No. 164, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE AEGIS BALLISTIC MISSILE DEFENSE SYSTEM AND THE GROUND-BASED MIDCOURSE DEFENSE SYSTEM," was deferred until Monday, April 22, 2013.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 1593) recommending that H.C.R. No. 218 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1593 and H.C.R. No. 218, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO AWARD THE CONGRESSIONAL MEDAL OF HONOR TO JOHN KUULEI KAUHAIHAO, OF HONAUNAU, HAWAII," was deferred until Monday, April 22, 2013.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 1594) recommending that H.C.R. No. 60, H.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 H.C.R. No. 60, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF DEFENSE TO ESTABLISH A VETERAN WOMEN SERVICES COORDINATOR POSITION WITHIN THE OFFICE OF VETERANS SERVICES," was referred to the Committee on Ways and Means.

## ORDER OF THE DAY

### FINAL READING

#### MATTER DEFERRED FROM THURSDAY, APRIL 18, 2013

S.B. No. 1193, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1193, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SECTION 237-24.3, HAWAII REVISED STATUTES," was deferred until Monday, April 22, 2013.

### ADVISE AND CONSENT

Stand. Com. Rep. No. 1575 (Gov. Msg. Nos. 711, 712, 713 and 714):

Senator Taniguchi moved that Stand. Com. Rep. No. 1575 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 EUGENE BAL III to the University of Hawaii Board of Regents, term to expire June 30, 2018 (Gov. Msg. No. 711), seconded by Senator Kahele.

Senator Taniguchi rose to speak in strong support of the nominee as follows:

"Mr. Bal is the Executive Director of the Maui High Performance Computing Center. He has also served in the

United States Navy, and has over 40 years of experience in various leadership roles managing all aspects of complex scientific, technical, and engineering programs. He is also very involved as a volunteer with many economic development and civic organizations.

"As Executive Director of the Maui High Performance Computing Center, Mr. Bal is an employee of the University of Hawai'i. Having been confirmed to serve as a regent, he plans to retire from that position to serve only as a regent.

"I ask that our members support this nomination."

Senator Baker rose to speak in support of the nominee as follows:

"Colleagues, on behalf of the Maui senators in the chamber today, I rise in strong support of Gene Bal to be confirmed as a member of the Board of Regents. I've had the pleasure to work with him as a member of the Maui Economic Development Board and observe his good work in the accomplishments of the Maui High Performance Computing Center. I know that he has the leadership skills, the determination, the vision to help move the Board of Regents beyond the rocky stretch we've seen and into the kind of leadership board for the university that we all desire. So, I'm pleased to lend my voice to others who have indicated their support for him, and ask my colleagues to join me. Thank you."

Senator Ige rose to speak in support of the nominee as follows:

"I just would like to note, members, we've had a lot of conversations about trying to seek out the best people for these types of positions, and I met Gene probably 20 years ago when we first got the contract for the super computer center on Maui. And it was terrific that we got a director who was from Hawai'i who could really understand it, and he's performed exceptionally well over the last 20 or so years managing the High Performance Computing Center on Maui. Thank you."

Senator Slom rose to speak in support of the nominee as follows:

"On behalf of the minority, I want to offer my strong support for Mr. Bal. I had not met him before, but I was very impressed during the hearing and during the questions that he got. We are troubled. We need good leadership, strong leadership, and independent leadership at our university, and I have full faith and confidence that Mr. Bal will help us do that. Thank you."

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

Ayes, 23. Noes, none. Excused, 2 (Keith-Agaran, Kouchi).

At this time, Senator Taniguchi introduced Eugene Bal III, who was accompanied by his wife Beryl and his granddaughters Caroline and Olivia in the gallery.

By unanimous consent, action on Gov. Msg. No. 712 was deferred until Monday, April 22, 2013.

Senator Taniguchi then moved that the Senate advise and consent to the nominations to the University of Hawaii Board of Regents of the following:

RANDOLPH MOORE, term to expire June 30, 2013 (Gov. Msg. No. 713); and

RANDOLPH MOORE, term to expire June 30, 2018 (Gov. Msg. No. 714),

seconded by Senator Kahele.

Senator Taniguchi rose to speak in strong support of the nominee as follows:

"Madam President, most of us know Mr. Moore quite well for his recent six years of service as the Assistant Superintendent for School Facilities and Support Services at the Department of Education. Prior to that, Randy had over 35 years of leadership experience in the business sector with Castle & Cooke, Moloka'i Ranch, and Kaneohe Ranch, before becoming a teacher at nearby Central Middle School, then as Assistant Superintendent.

"Mr. Moore's background and leadership experience make him an excellent addition to the Board of Regents, and I hope all our members would support this nomination."

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

Ayes, 23. Noes, none. Excused, 2 (Keith-Agaran, Kouchi).

Stand. Com. Rep. No. 1576 (Gov. Msg. No. 539):

Senator Green moved that Stand. Com. Rep. No. 1576 be received and placed on file, seconded by Senator Baker and carried.

Senator Green then moved that the Senate advise and consent to the nomination of DIANNE OKUMURA to the Board of Health, term to expire June 30, 2017, seconded by Senator Baker.

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

Ayes, 23. Noes, none. Excused, 2 (Keith-Agaran, Kouchi).

Stand. Com. Rep. No. 1577 (Gov. Msg. Nos. 547 and 548):

Senator Green moved that Stand. Com. Rep. No. 1577 be received and placed on file, seconded by Senator Baker and carried.

Senator Green then moved that the Senate advise and consent to the nominations to the Mental Health and Substance Abuse, Hawai'i Service Area Board of the following:

ELIZABETH COOL, term to expire June 30, 2016 (Gov. Msg. No. 547); and

JAMAL WASAN, term to expire June 30, 2016 (Gov. Msg. No. 548),

seconded by Senator Baker.

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

Ayes, 23. Noes, none. Excused, 2 (Keith-Agaran, Kouchi).

Stand. Com. Rep. No. 1578 (Gov. Msg. Nos. 550, 551 and 643):

Senator Green moved that Stand. Com. Rep. No. 1578 be received and placed on file, seconded by Senator Baker and carried.

Senator Green then moved that the Senate advise and consent to the nominations to the Mental Health and Substance Abuse, O'ahu Service Area Board of the following:

KENNETH BRANDT, term to expire June 30, 2016 (Gov. Msg. No. 550);

RICHARD JACKSON, term to expire June 30, 2016 (Gov. Msg. No. 551); and

SHIRLEY DAVENPORT, term to expire June 30, 2015 (Gov. Msg. No. 643),

seconded by Senator Baker.

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

Ayes, 23. Noes, none. Excused, 2 (Keith-Agaran, Kouchi).

Stand. Com. Rep. No. 1579 (Gov. Msg. Nos. 555, 556, 558, 559, 560, 645, 646 and 647):

Senator Green moved that Stand. Com. Rep. No. 1579 be received and placed on file, seconded by Senator Baker and carried.

Senator Green then moved that the Senate advise and consent to the nominations to the State Council on Mental Health of the following:

KATRINA LORENZO, term to expire June 30, 2015 (Gov. Msg. No. 555);

LOUISE CRUM, term to expire June 30, 2016 (Gov. Msg. No. 556);

PATRICK BROWN, term to expire June 30, 2016 (Gov. Msg. No. 558);

SHEILA CALCAGNO, term to expire June 30, 2016 (Gov. Msg. No. 559);

WANDA MARIE VORSINO, term to expire June 30, 2016 (Gov. Msg. No. 560);

JONATHAN HARRIS, term to expire June 30, 2015 (Gov. Msg. No. 645);

STEVEN SHIRAKI, term to expire June 30, 2015 (Gov. Msg. No. 646); and

G. NOELANI WILCOX, term to expire June 30, 2016 (Gov. Msg. No. 647),

seconded by Senator Baker.

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

Ayes, 23. Noes, none. Excused, 2 (Keith-Agaran, Kouchi).

Stand. Com. Rep. No. 1580 (Gov. Msg. Nos. 541, 542 and 543):

Senator Green moved that Stand. Com. Rep. No. 1580 be received and placed on file, seconded by Senator Baker and carried.

Senator Green then moved that the Senate advise and consent to the nominations to the Emergency Medical Service Advisory Committee of the following:

DIAN GRUBER, term to expire June 30, 2014 (Gov. Msg. No. 541);

ELIZABETH CHAR, term to expire June 30, 2017 (Gov. Msg. No. 542); and

RALPH YAWATA, term to expire June 30, 2017 (Gov. Msg. No. 543),

seconded by Senator Baker.

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

Ayes, 23. Noes, none. Excused, 2 (Keith-Agaran, Kouchi).

Stand. Com. Rep. No. 1581 (Gov. Msg. Nos. 552, 553 and 644):

Senator Green moved that Stand. Com. Rep. No. 1581 be received and placed on file, seconded by Senator Baker and carried.

Senator Green then moved that the Senate advise and consent to the nominations to the Radiologic Technology Board of the following:

DONALD WOOD, term to expire June 30, 2014 (Gov. Msg. No. 552);

GARY ROPERT, term to expire June 30, 2015 (Gov. Msg. No. 553); and

LARRY CARNES, term to expire June 30, 2016 (Gov. Msg. No. 644),

seconded by Senator Baker.

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

Ayes, 23. Noes, none. Excused, 2 (Keith-Agaran, Kouchi).

Stand. Com. Rep. No. 1582 (Gov. Msg. Nos. 544 and 545):

Senator Green moved that Stand. Com. Rep. No. 1582 be received and placed on file, seconded by Senator Baker and carried.

Senator Green then moved that the Senate advise and consent to the nominations to the Hawai'i Health Authority of the following:

LESLIE B. CHUN, term to expire June 30, 2016 (Gov. Msg. No. 544); and

VIRGINIA PRESSLER, term to expire June 30, 2016 (Gov. Msg. No. 545),

seconded by Senator Baker.

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

Ayes, 23. Noes, none. Excused, 2 (Keith-Agaran, Kouchi).

Stand. Com. Rep. No. 1583 (Gov. Msg. No. 636):

Senator Green moved that Stand. Com. Rep. No. 1583 be received and placed on file, seconded by Senator Baker and carried.

Senator Green then moved that the Senate advise and consent to the nomination of KIRBY SHAW to the Disability and Communication Access Board, term to expire June 30, 2017, seconded by Senator Baker.

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

Ayes, 23. Noes, none. Excused, 2 (Keith-Agaran, Kouchi).

Stand. Com. Rep. No. 1584 (Gov. Msg. Nos. 561, 734, 739, 740, 741, 744, 770 and 771):

Senator Green moved that Stand. Com. Rep. No. 1584 be received and placed on file, seconded by Senator Baker and carried.

Senator Green then moved that the Senate advise and consent to the nominations to the Statewide Health Coordinating Council of the following:

NORA NOMURA, term to expire June 30, 2014 (Gov. Msg. No. 561);

WILLIAM BAILEY, term to expire June 30, 2017 (Gov. Msg. No. 734);

CHRISTOPHER SIBLEY, term to expire June 30, 2017 (Gov. Msg. No. 739);

JAMES WALSH, term to expire June 30, 2017 (Gov. Msg. No. 740);

JONAGUSTINE LIM, term to expire June 30, 2016 (Gov. Msg. No. 741);

REBECCA WARD, term to expire June 30, 2017 (Gov. Msg. No. 744);

WENDY MORRIARTY, term to expire June 30, 2017 (Gov. Msg. No. 770); and

JOHN BARNETT, term to expire June 30, 2017 (Gov. Msg. No. 771),

seconded by Senator Baker.

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

Ayes, 23. Noes, none. Excused, 2 (Keith-Agaran, Kouchi).

At 11:47 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:47 a.m.

#### FINAL READING

#### MATTER DEFERRED FROM THURSDAY, APRIL 18, 2013

S.B. No. 516, S.D. 1, H.D. 1:

On motion by Senator Hee, seconded by Senator Espero and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 516, S.D. 1, and S.B. No. 516, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PATERNITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Keith-Agaran, Kouchi).

#### RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 883, S.D. 2 (H.D. 2):

Senator Hee moved that the Senate reconsider its action taken on April 11, 2013, in disagreeing to the amendments proposed by the House to S.B. No. 883, S.D. 2, seconded by Senator Espero and carried.

Senator Hee then moved that the Senate agree to the amendments proposed by the House to S.B. No. 883, S.D. 2, seconded by Senator Espero.

Senator Hee noted:

"This bill creates a new bargaining unit 14 for state law enforcement officers and the state and county ocean safety and water safety officers. You may recall that your Committee on Judiciary and Labor deflected the date to encourage more discussion. The Committee on Ways and Means changed the name of the new collective bargaining unit from 'First responders including state law enforcement officers and state and county ocean safety and water safety officers' to 'State law enforcement officers and state and county safety and water officers' for clarity.

"On the House side, the Labor Committee made the date good, and the Committee on Finance clarified the purpose section of the new collective bargaining unit to ensure that it will apply to law enforcement officers and state and county ocean safety and water safety officers, as opposed to all first responders within the state and county. The Committee on Finance also made some nonsubstantive, technical amendments for clarity.

"Your Committee on Judiciary and Labor agrees that the changes made by the House Committee on Labor to make the date good on this measure, and also with the House Committee on Finance in order to move this measure forward as opposed to having a protracted argument on what the unit should be called. 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. 883, S.D. 2, and S.B. No. 883, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," was placed on the calendar for Final Reading on Monday, April 22, 2013.

#### ADJOURNMENT

At 11:51 a.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Monday, April 22, 2013.