

FIFTY-FOURTH DAY

Monday, April 22, 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 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 Fifty-Third Day.

At this time, Senator Keith-Agaran introduced Nelson Okumura from Valley Isle Produce and Pamela Tumpap from the Maui Chamber of Commerce.

Senator Galuteria welcomed the award-winning 'Iolani Middle School Orchestra, who recently performed at the prestigious National Orchestra Festival under the direction of Katherine Hafner, and noted that they were the only orchestra from Hawai'i to ever win this award.

Senator Espero introduced Mrs. Shirley Kauhiahao, who was present in the gallery to support H.C.R. No. 218, recognizing the brave military service and sacrifice in Vietnam of her husband John Kuulei Kauhiahao.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 1118 to 1126) were read by the Clerk and were placed on file:

Gov. Msg. No. 1118, informing the Senate that on April 18, 2013, the Governor signed into law House Bill No. 868 as Act 18, entitled: "RELATING TO ELIMINATING THE ASSET LIMIT ELIGIBILITY REQUIREMENT FOR THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM."

Gov. Msg. No. 1119, informing the Senate that on April 18, 2013, the Governor signed into law House Bill No. 79, H.D. 1 as Act 19, entitled: "RELATING TO ADVANCED PRACTICE REGISTERED NURSES."

Gov. Msg. No. 1120, informing the Senate that on April 18, 2013, the Governor signed into law House Bill No. 651, H.D. 1 as Act 20, entitled: "RELATING TO ELECTRONIC PRESCRIPTIONS."

Gov. Msg. No. 1121, informing the Senate that on April 18, 2013, the Governor signed into law Senate Bill No. 1000, S.D. 1 as Act 21, entitled: "RELATING TO THE ACCESS HAWAII COMMITTEE."

Gov. Msg. No. 1122, informing the Senate that on April 18, 2013, the Governor signed into law Senate Bill No. 1001 as Act 22, entitled: "RELATING TO THE ENHANCED 911 BOARD."

Gov. Msg. No. 1123, informing the Senate that on April 18, 2013, the Governor signed into law Senate Bill No. 1036 as Act 23, entitled: "RELATING TO EMPLOYEES' RETIREMENT SYSTEM PERSONNEL."

Gov. Msg. No. 1124, informing the Senate that on April 18, 2013, the Governor signed into law Senate Bill No. 1039 as Act 24, entitled: "RELATING TO THE PUBLIC UTILITIES COMMISSION."

Gov. Msg. No. 1125, informing the Senate that on April 18, 2013, the Governor signed into law House Bill No. 927 as Act 25, entitled: "RELATING TO THE EMPLOYMENT AND TRAINING FUND."

Gov. Msg. No. 1126, informing the Senate that on April 18, 2013, the Governor signed into law Senate Bill No. 633 as Act 26, entitled: "RELATING TO UNLICENSED CONTRACTING ACTIVITIES."

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 712 to 715) were read by the Clerk and were placed on file:

Hse. Com. No. 712, informing the Senate that on April 19, 2013, the Speaker appointed conferees on the part of the House for the consideration of amendments proposed by the House to the following Senate bill:

S.B. No. 563, S.D. 3 (H.D. 2):

Representatives Choy, Luke, co-chairs; Nishimoto, Fale.

Hse. Com. No. 713, informing the Senate that on April 19, 2013, the House discharged all conferees to H.B. No. 1130, H.D. 1 (S.D. 1).

Hse. Com. No. 714, informing the Senate that the House agreed to the amendments proposed by the Senate to the following House bills and said bills passed Final Reading in the House of Representatives on April 19, 2013:

H.B. No. 178, H.D. 1, S.D. 1;
H.B. No. 808, H.D. 1, S.D. 1;
H.B. No. 811, H.D. 2, S.D. 1;
H.B. No. 918, H.D. 1, S.D. 1;
H.B. No. 929, S.D. 1;
H.B. No. 999, H.D. 2, S.D. 1; and
H.B. No. 1202, H.D. 1, S.D. 1.

Hse. Com. No. 715, informing the Senate that on April 19, 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. 1059, H.D. 2 (S.D. 2); and
H.B. No. 1130, H.D. 1 (S.D. 1).

SENATE COMMUNICATION

The following communication (Sen. Com. No. 4) was read by the Clerk and was placed on file:

Sen. Com. No. 4, notice to Governor dated April 19, 2013, transmitting S.B. No. 1084, S.D. 1, H.D. 1, C.D. 1, which proposes an amendment to the Hawaii State Constitution.

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

"April 19, 2013

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:

S.B. No. 1084, SD1, HD1, CD1
"PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 1, OF THE HAWAII STATE CONSTITUTION TO PERMIT THE APPROPRIATION OF PUBLIC FUNDS FOR

PRIVATE EARLY CHILDHOOD EDUCATION PROGRAMS.”

Respectfully,

/s/Carol Taniguchi
CAROL T. TANIGUCHI
Clerk of the Senate”

CONFERENCE COMMITTEE REPORTS

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1084, S.D. 1, presented a report (Conf. Com. Rep. No. 1) recommending that S.B. No. 1084, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

By unanimous consent, action on Conf. Com. Rep. No. 1 and S.B. No. 1084, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 1, OF THE HAWAII STATE CONSTITUTION TO PERMIT THE APPROPRIATION OF PUBLIC FUNDS FOR PRIVATE EARLY CHILDHOOD EDUCATION PROGRAMS,” was deferred until Tuesday, April 30, 2013.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1083, presented a report (Conf. Com. Rep. No. 2) recommending that S.B. No. 1083, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 2 and S.B. No. 1083, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION OF SCHOOL CHILDREN,” was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS AND ADOPTION OF RESOLUTIONS

Senators English and Gabbard, for the Committee on Transportation and International Affairs and the Committee on Energy and Environment, presented a joint report (Stand. Com. Rep. No. 1595) recommending that H.C.R. No. 143, H.D. 1, as amended in S.D. 1, be adopted.

Senator Espero moved that Stand. Com. Rep. No. 1595 and H.C.R. No. 143, H.D. 1, S.D. 1 be adopted, seconded by Senator Slom.

Senator Thielen requested her vote be cast “No,” and the Chair so ordered.

The motion was put by the Chair and carried, the joint report of the Committees was adopted and H.C.R. No. 143, H.D. 1, S.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO EXEMPT CERTAIN CORAL SPECIES IN ALL STATE WATERS, PARTICULARLY COMMERCIAL HARBORS, FROM RECLASSIFICATION UNDER A PROPOSED FEDERAL RULE CHANGE,” was adopted with Senator Thielen voting “No.”

Senators Dela Cruz and Ige, for the Committee on Economic Development, Government Operations and Housing and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 1596) recommending that H.C.R. No. 47, as amended in S.D. 1, be adopted.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 47, S.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE EXTENSION OF THE

GOVERNMENT CONTRACTING TASK FORCE TO DEVELOP RECOMMENDATIONS TO ADDRESS ISSUES THAT AFFECT PROCUREMENT FOR GOODS AND SERVICES PURCHASED THROUGH NONPROFIT ORGANIZATIONS, INCLUDING HUMAN SERVICE NONPROFIT ORGANIZATIONS THAT DELIVER PIVOTAL GOODS AND SERVICES TO INDIVIDUALS, FAMILIES, COMMUNITIES, AND OTHER SMALL BUSINESSES,” was adopted.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1597) recommending that H.C.R. No. 46, S.D. 1 be adopted.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 46, S.D. 1, entitled: “HOUSE 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 adopted.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1598) recommending that H.C.R. No. 37 be adopted.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 37, entitled: “HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A PERPETUAL, NONEXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS LOCATED IN KAPAHULU, HONOLULU, OAHU, FOR THE USE, MAINTENANCE, AND REPAIR OF AN EXISTING SEAWALL AND STEPS,” was adopted.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1599) recommending that H.C.R. No. 201, H.D. 1 be adopted.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 201, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS AND THE HAWAII PSYCHOLOGICAL ASSOCIATION TO DEVELOP DRAFT LEGISLATION ESTABLISHING, IMPLEMENTING, AND MONITORING CONTINUING EDUCATION REQUIREMENTS FOR ALL LICENSED PSYCHOLOGISTS IN HAWAII,” was adopted.

Senators Tokuda and Ige, for the Committee on Education and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 1600) recommending that H.C.R. No. 119, as amended in S.D. 1, be adopted.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 119, S.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO CONDUCT A STUDY ON THE FEASIBILITY OF USING SOCIAL IMPACT BONDS TO FUND EARLY LEARNING PROGRAMS AND SERVICES IN THE STATE,” was adopted.

Senators Tokuda and Ige, for the Committee on Education and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 1601) recommending that H.C.R. No. 92, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and

H.C.R. No. 92, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO EXPAND THE MANDARIN CHINESE LANGUAGE CURRICULUM IN PUBLIC HIGH SCHOOLS," was adopted.

Senators Espero and Ige, for the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 1602) recommending that H.C.R. No. 130, as amended in S.D. 1, be adopted.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 130, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO SUPPORT THE CONSTRUCTION OF A MEMORIAL COMMEMORATING THE WAR IN THE PACIFIC AT THE PEARL HARBOR VISITOR CENTER," was adopted.

Senators Taniguchi and Ige, for the Committee on Higher Education and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 1603) recommending that H.C.R. No. 48, as amended in S.D. 1, be adopted.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 48, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO EXAMINE THE FEASIBILITY OF FORMING A UNIVERSITY OF HAWAII AT HILO MEN'S VOLLEYBALL TEAM," was adopted.

Senators Baker and Ige, for the majority of the Committee on Commerce and Consumer Protection and the majority of the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 1604) recommending that H.C.R. No. 161, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the majority of the Committees was adopted and H.C.R. No. 161, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A WORKING GROUP TO DETERMINE THE SCOPE AND SPECIFIC DUTIES OF THE HEALTH EDUCATOR PROFESSION," was adopted.

Senators Gabbard and Ige, for the Committee on Energy and Environment and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 1605) recommending that H.C.R. No. 99, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 99, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO ADD A MEMBER TO THE HAWAII REFINERY TASK FORCE AND TO REQUEST THE TASK FORCE TO EXAMINE ADDITIONAL ISSUES," was adopted.

Senators Dela Cruz and English, for the Committee on Economic Development, Government Operations and Housing and the Committee on Transportation and International Affairs, presented a joint report (Stand. Com. Rep. No. 1606) recommending that H.C.R. No. 204, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 204, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO ESTABLISH A WORKING GROUP TO

STUDY, CONSIDER, AND RECOMMEND WAYS TO REDUCE THE TRANSPORT TIME AND COST OF SHIPPING GOODS TO OAHU FROM MOLOKAI, LANAI, AND HANA, MAUI," was adopted.

Senators Galuteria, Espero, and Hee, for the Committee on Tourism and Hawaiian Affairs and the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Judiciary and Labor, presented a joint report (Stand. Com. Rep. No. 1607) recommending that H.C.R. No. 6, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 6, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION COMMEMORATING THE TWENTIETH ANNIVERSARY OF PUBLIC LAW 103-150, RECOGNIZING THE PROGRESS MADE TOWARDS RECONCILIATION AND NATIVE HAWAIIAN SELF-GOVERNANCE AND SELF-DETERMINATION, REAFFIRMING THE STATE'S COMMITMENT TO RECONCILIATION WITH NATIVE HAWAIIANS FOR HISTORICAL INJUSTICES, URGING THE FEDERAL GOVERNMENT TO ADVANCE RECONCILIATION EFFORTS WITH NATIVE HAWAIIANS, AND SUPPORTING EFFORTS TO FURTHER THE SELF-DETERMINATION AND SOVEREIGNTY OF NATIVE HAWAIIANS," was adopted.

Senator Solomon, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1608) recommending that H.C.R. No. 120, as amended in S.D. 1, be adopted.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 120, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A STUDY OF THE COMMERCIAL VESSEL PERMITS IN STATE SMALL BOAT HARBORS INVOLVING OCEAN-RELATED ACTIVITIES FOR OCEAN WATERS BETWEEN KALAELOA POINT AND KAENA POINT, CONSULT WITH THE WAIANAE COAST COMMUNITY ON THE EXISTING AND FUTURE OCEAN-USE ACTIVITIES," was adopted.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1609) recommending that H.C.R. No. 33, as amended in S.D. 1, be adopted.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 33, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATURE TO PARTICIPATE IN "LIGHT THE STATE CAPITOL BLUE" DURING THE MONTHS OF APRIL AND SEPTEMBER OF 2013 AND 2014," was adopted.

Senators Gabbard, Espero, and Solomon, for the Committee on Energy and Environment and the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Water and Land, presented a joint report (Stand. Com. Rep. No. 1610) recommending that H.C.R. No. 96, H.D. 2, as amended in S.D. 1, be adopted.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 96, H.D. 2, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE TO WORK WITH AFFECTED PERSONS AND COUNTIES IN ESTABLISHING REASONABLE CRITICAL HABITAT

DESIGNATIONS FOR ENDANGERED SPECIES IN THE STATE," was adopted.

Senators Gabbard and Green, for the Committee on Energy and Environment and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 1611) recommending that H.C.R. No. 129, H.D. 2, as amended in S.D. 1, be adopted.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 129, H.D. 2, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO DEVELOP PARTNERSHIPS TO ADDRESS THE DATA GAP ON AIR, SURFACE WATER, AND NEAR SHORE EFFECTS OF ATRAZINE," was adopted.

STANDING COMMITTEE REPORTS

Senator Espero, for the majority of the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 1612) recommending that H.C.R. No. 10, H.D. 1, as amended in S.D. 1, be referred to the Committee on Judiciary and Labor.

Senator Espero moved that Stand. Com. Rep. No. 1612 be adopted, seconded by Senator Slom.

Senator Slom requested his vote be cast "No," and the Chair so ordered.

The motion was put by the Chair and carried, the report of the majority of the Committee was adopted and H.C.R. No. 10, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PROPOSE A CONSTITUTIONAL AMENDMENT TO OVERTURN THE UNITED STATES SUPREME COURT'S HOLDING RELATING TO CORPORATE INDEPENDENT EXPENDITURES IN *CITIZENS UNITED V. FEDERAL ELECTION COMMISSION*," was referred to the Committee on Judiciary and Labor with Senator Slom voting "No."

Senators Gabbard and English, for the Committee on Energy and Environment and the Committee on Transportation and International Affairs, presented a joint report (Stand. Com. Rep. No. 1613) recommending that H.C.R. No. 239 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.C.R. No. 239, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO FACILITATE THE DEPLOYMENT OF RENEWABLE-ENERGY TECHNOLOGIES, INCLUDING WASTE-TO-ENERGY, IN HAWAII AND TO ATTRACT FOREIGN DIRECT INVESTMENT AND INTERNATIONAL TRADE FROM THE REPUBLIC OF KOREA," was referred to the Committee on Ways and Means.

Senator Wakai, for the Committee on Technology and the Arts, presented a report (Stand. Com. Rep. No. 1614) recommending that H.C.R. No. 116 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. 116, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE HAWAII STATE FOUNDATION ON CULTURE AND THE ARTS TO UTILIZE THE ART IN PUBLIC PLACES PROGRAM TO INCLUDE MORE ART PROGRAMS FOR CHILDREN," was referred to the Committee on Ways and Means.

Senator Wakai, for the Committee on Technology and the Arts, presented a report (Stand. Com. Rep. No. 1615) recommending that H.C.R. No. 163 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. 163, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A PILOT PROGRAM FOR THE CREATION OF URBAN ART ON STATE-OWNED PROPERTY UNDER THE DIRECTION OF THE HAWAII STATE FOUNDATION ON CULTURE AND THE ARTS," was referred to the Committee on Ways and Means.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1616) recommending that the Senate advise and consent to the nomination of MARTHA TURNER to the Health Planning Council, Tri-Isle Subarea, in accordance with Gov. Msg. No. 743.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1616 and Gov. Msg. No. 743 was deferred until Tuesday, April 23, 2013.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1617) recommending that the Senate advise and consent to the nomination of MARALYN KURSHALS to the Health Planning Council, West O'ahu Subarea, in accordance with Gov. Msg. No. 791.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1617 and Gov. Msg. No. 791 was deferred until Tuesday, April 23, 2013.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1618) recommending that the Senate advise and consent to the nomination of ANTHEA WANG to the Tobacco Prevention and Control Advisory Board, in accordance with Gov. Msg. No. 737.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1618 and Gov. Msg. No. 737 was deferred until Tuesday, April 23, 2013.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1619) recommending that the Senate advise and consent to the nomination of CYNTHIA DANG to the Mental Health and Substance Abuse, O'ahu Service Area Board, in accordance with Gov. Msg. No. 742.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1619 and Gov. Msg. No. 742 was deferred until Tuesday, April 23, 2013.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1620) recommending that the Senate advise and consent to the nomination of KURT NAGATA to the Mental Health and Substance Abuse, Kaua'i Service Area Board, in accordance with Gov. Msg. No. 736.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1620 and Gov. Msg. No. 736 was deferred until Tuesday, April 23, 2013.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1621) recommending that the Senate advise and consent to the nomination of SULMA GANDHI to the Mental Health and Substance Abuse, Hawai'i Service Area Board, in accordance with Gov. Msg. No. 735.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1621 and Gov. Msg. No. 735 was deferred until Tuesday, April 23, 2013.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1622) recommending that the

Senate advise and consent to the nominations to the State Council on Developmental Disabilities of the following:

MAXINE NAGAMINE, in accordance with Gov. Msg. No. 733;

JENNIFER PATRICIO, in accordance with Gov. Msg. No. 738; and

LESLIE TAWATA, in accordance with Gov. Msg. No. 781.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1622 and Gov. Msg. Nos. 733, 738, and 781 was deferred until Tuesday, April 23, 2013.

Senator Wakai, for the Committee on Technology and the Arts, presented a report (Stand. Com. Rep. No. 1623) recommending that the Senate advise and consent to the nominations to the State Foundation on Culture and the Arts Commission of the following:

JULIA STEELE, in accordance with Gov. Msg. No. 773; and

EVA ROSE WASHBURN-REPOLLO, in accordance with Gov. Msg. No. 785.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1623 and Gov. Msg. Nos. 773 and 785 was deferred until Tuesday, April 23, 2013.

Senator Wakai, for the Committee on Technology and the Arts, presented a report (Stand. Com. Rep. No. 1624) recommending that the Senate advise and consent to the nomination of WILLIAM SOUZA to the Hawai'i Historic Places Review Board, in accordance with Gov. Msg. No. 783.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1624 and Gov. Msg. No. 783 was deferred until Tuesday, April 23, 2013.

Senator Dela Cruz, for the Committee on Economic Development, Government Operations and Housing, presented a report (Stand. Com. Rep. No. 1625) recommending that the Senate advise and consent to the nomination of MAHEALANI CYPHER to the Hawai'i Community Development Authority (He'eia District), in accordance with Gov. Msg. No. 753.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1625 and Gov. Msg. No. 753 was deferred until Tuesday, April 23, 2013.

Senator Solomon, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1626) recommending that the Senate advise and consent to the nominations to the Land Use Commission of the following:

ERNEST MATSUMURA, in accordance with Gov. Msg. No. 688; and

SHELDON BIGA, in accordance with Gov. Msg. No. 689.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1626 and Gov. Msg. Nos. 688 and 689 was deferred until Tuesday, April 23, 2013.

Senator Solomon, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1627) recommending that the Senate advise and consent to the nominations to the Land Use Commission of the following:

DENNIS ESAKI, in accordance with Gov. Msg. No. 709; and

CAROL TORIGOE, in accordance with Gov. Msg. No. 710.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1627 and Gov. Msg. Nos. 709 and 710 was deferred until Tuesday, April 23, 2013.

Senator Solomon, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1628) recommending that the Senate advise and consent to the nominations to the Commission on Water Resource Management of the following:

KAMANAMA KALANI BEAMER, in accordance with Gov. Msg. No. 774; and

MILTON PAVAO, in accordance with Gov. Msg. No. 775.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1628 and Gov. Msg. Nos. 774 and 775 was deferred until Tuesday, April 23, 2013.

Senator Solomon, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1629) recommending that the Senate advise and consent to the nomination of REED KISHINAMI to the Board of Land and Natural Resources, in accordance with Gov. Msg. No. 705.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1629 and Gov. Msg. No. 705 was deferred until Tuesday, April 23, 2013.

Senator Solomon, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1630) recommending that the Senate advise and consent to the nomination of JAMES GOMES to the Board of Land and Natural Resources, in accordance with Gov. Msg. No. 776.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1630 and Gov. Msg. No. 776 was deferred until Tuesday, April 23, 2013.

Senator Solomon, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1631) recommending that the Senate advise and consent to the nomination of NATHAN YUEN to the Natural Area Reserves System Commission, in accordance with Gov. Msg. No. 731.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1631 and Gov. Msg. No. 731 was deferred until Tuesday, April 23, 2013.

Senator Solomon, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1632) recommending that the Senate advise and consent to the nomination of JUDITH LEMUS to the Kaneohe Bay Regional Council, in accordance with Gov. Msg. No. 794.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1632 and Gov. Msg. No. 794 was deferred until Tuesday, April 23, 2013.

ORDER OF THE DAY

ADVISE AND CONSENT

MATTER DEFERRED FROM FRIDAY, APRIL 19, 2013

Gov. Msg. No. 712:

Senator Taniguchi moved that the Senate advise and consent to the nomination of BARRY MIZUNO to the University of Hawaii Board of Regents, term to expire June 30, 2018 (Gov. Msg. No. 712), seconded by Senator Kahele.

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

"Barry Mizuno is a current member of the Board of Regents at the University of Hawai'i, serving since his appointment in August 2011. He is chair of the Planning and Facilities

Committee; he is vice chair of the Committee on University Audits, and is a member of the Committee on Community Colleges and on the Budget and Finance Committee. He's a Certified Public Accountant and only recently retired. He is very aware of the various concerns raised by the Senate Special Committee on Accountability regarding the oversight, transparency, and accountability of the University of Hawai'i Board of Regents. The Board of Regents and the University of Hawai'i System will benefit from Mr. Mizuno's continued service. I ask my colleagues to support this nomination."

Senator Ruderman requested his vote be cast "No," and the Chair so ordered.

Senator Slom rose to speak in opposition to the nominee as follows:

"I rise in opposition to the nomination. Thank you. It's with regret that I do so because the nominee, I think, is qualified in so many ways, in so many areas, and he has volunteered and has served the University of Hawai'i. The problem is he has been a regent since August of 2011. There have been many critical decisions and 'mis-decisions' made by the University of Hawai'i, particularly the Board of Regents, which has had the responsibility to make changes and to follow its own policy.

"The questions that we had in the Higher Education Committee, they were very pointed questions, and basically they're the same questions that I've asked of every nominee, and that is: their ability to be independent, to be able to speak up and speak out. And particularly when you have a member of the Board of Regents who had a responsible position, a leadership position, and an obligation to speak out, I feel that we're very... I guess we're short-changed when we don't get all the leadership that we need, and particularly those of us in the Senate when we advise and consent to the nomination.

"It's not just about the personality or the integrity of the individual because that's not in question here. It's not about the willingness to serve and the ability to serve, but it is a question of making changes at the University of Hawai'i so desperately needed, and I'm just not sure that this message has gotten through to this nominee. Thank you."

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

"I've known Mr. Mizuno for many years and his extensive work experience in government. And the fact that he has served as a Board of Regent and his awareness of the situation at the University of Hawai'i. His continuation as a Board of Regent will be an asset for the university, and I believe that is in the best interest for our local students and he will work hard to improve the entire University of Hawai'i System. Thank you very much."

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

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

Ayes, 23. Ayes with Reservations, 4 (Ige, Ihara, Kidani, Thielen). Noes, 2 (Ruderman, Slom).

At this time, Senator Taniguchi introduced Barry Mizuno, newly confirmed member of the Board of Regents who was seated in the gallery.

FINAL READING

MATTER DEFERRED FROM FRIDAY, APRIL 19, 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 Tuesday, April 23, 2013.

ADVISE AND CONSENT

Stand. Com. Rep. No. 1585 (Gov. Msg. Nos. 526, 527, 528, 529, 530, 531 and 792):

Senator Dela Cruz moved that Stand. Com. Rep. No. 1585 be received and placed on file, seconded by Senator Slom and carried.

Senator Dela Cruz then moved that the Senate advise and consent to the nominations to the Small Business Regulatory Review Board of the following:

ANTHONY BORGE, term to expire June 30, 2015 (Gov. Msg. No. 526);

BARBARA BENNETT, term to expire June 30, 2014 (Gov. Msg. No. 527);

CHU LAN SHUBERT-KWOCK, term to expire June 30, 2016 (Gov. Msg. No. 528);

HOWARD LUM, term to expire June 30, 2014 (Gov. Msg. No. 529);

KYOKO KIMURA, term to expire June 30, 2016 (Gov. Msg. No. 530);

LESLIE MULLENS, term to expire June 30, 2015 (Gov. Msg. No. 531); and

CRAIG TAKAMINE, term to expire June 30, 2016 (Gov. Msg. No. 792),

seconded by Senator Slom.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1586 (Gov. Msg. No. 768):

Senator Nishihara moved that Stand. Com. Rep. No. 1586 be received and placed on file, seconded by Senator Kouchi and carried.

Senator Nishihara then moved that the Senate advise and consent to the nomination of SANDI KATO-KLUTKE to the Board of Directors of the Agribusiness Development Corporation, term to expire June 30, 2017, seconded by Senator Kouchi.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1587 (Gov. Msg. No. 777):

Senator Nishihara moved that Stand. Com. Rep. No. 1587 be received and placed on file, seconded by Senator Kouchi and carried.

Senator Nishihara then moved that the Senate advise and consent to the nomination of CLARK HASHIMOTO to the Board of Agriculture, term to expire June 30, 2017, seconded by Senator Kouchi.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1588 (Gov. Msg. Nos. 620, 621 and 757):

Senator Dela Cruz moved that Stand. Com. Rep. No. 1588 be received and placed on file, seconded by Senator Slom and carried.

Senator Dela Cruz then moved that the Senate advise and consent to the nominations to the Stadium Authority of the following:

KEITH BUKOSKI, term to expire June 30, 2017 (Gov. Msg. No. 620);

CHARLES TOGUCHI, term to expire June 30, 2017 (Gov. Msg. No. 621); and

WILBERT CHEE, term to expire June 30, 2017 (Gov. Msg. No. 757),

seconded by Senator Slom.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1589 (Gov. Msg. Nos. 716 and 717):

Senator Dela Cruz moved that Stand. Com. Rep. No. 1589 be received and placed on file, seconded by Senator Slom and carried.

Senator Dela Cruz then moved 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, term to expire June 30, 2016 (Gov. Msg. No. 716); and

BETTY LOU LARSON, term to expire June 30, 2017 (Gov. Msg. No. 717),

seconded by Senator Slom.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1590 (Gov. Msg. Nos. 718 and 758):

Senator Dela Cruz moved that Stand. Com. Rep. No. 1590 be received and placed on file, seconded by Senator Slom and carried.

Senator Dela Cruz then moved 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, term to expire June 30, 2015 (Gov. Msg. No. 718); and

JEFFREY TORRES, term to expire June 30, 2017 (Gov. Msg. No. 758),

seconded by Senator Slom.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1591 (Gov. Msg. No. 759):

Senator Dela Cruz moved that Stand. Com. Rep. No. 1591 be received and placed on file, seconded by Senator Slom and carried.

Senator Dela Cruz then moved that the Senate advise and consent to the nomination of SHIRLEY SWINNEY to the Hawai'i Community Development Authority (Kalaeloa District), term to expire June 30, 2017, seconded by Senator Slom.

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

Ayes, 25. Noes, none.

At this time, Senator Dela Cruz introduced Charles Toguchi, newly confirmed member of the Stadium Authority who was accompanied by his wife Elaine in the gallery.

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM FRIDAY, APRIL 19, 2013

Stand. Com. Rep. No. 1592 (H.C.R. No. 164, H.D. 1):

Senator Espero moved that Stand. Com. Rep. No. 1592 and H.C.R. No. 164, H.D. 1 be adopted, seconded by Senator Slom.

Senator Kouchi rose to speak in support of the measure as follows:

"I simply thank my colleagues for their support. Military preparedness has certainly gained importance with everything that's been happening in Korea, and there is a significant investment going on at the Pacific Missile Range to increase our capability thanks to the late Senator Inouye and all of his efforts. And so, I'd like to express my thanks to my colleagues and to the committee chair for moving this through and shepherding the resolution. Thank you."

The motion was put by the Chair and carried, the report of the Committee was adopted 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 adopted.

Stand. Com. Rep. No. 1593 (H.C.R. No. 218):

Senator Espero moved that Stand. Com. Rep. No. 1593 and H.C.R. No. 218 be adopted, seconded by Senator Slom.

Senator Espero rose to speak in support of the measure as follows:

"Madam President, I'd like to read for the Journal a few 'whereases' on H.C.R. No. 218, if I may be permitted. Thank you.

"WHEREAS, First Lieutenant (Infantry) John Kuulei Kauhiahao, who was born on April 17, 1942, distinguished himself against an armed hostile force while serving with Company B, 2d Battalion, 8th Cavalry, 1st Cavalry Division during a reconnaissance-in-force operation in the Tay Ninh Province in the Republic of Vietnam; and

"WHEREAS, First Lieutenant John Kuulei Kauhiahao led his platoon over thick jungle terrain at the point of their company when a battalion-sized force of North Vietnamese soldiers occupying bunker fortifications fired upon their platoon; and

"WHEREAS, First Lieutenant (Infantry) John Kuulei Kauhiahao quickly directed his men to take cover behind several large, bamboo-covered dirt mounds and, as the rest of the company moved up to lend supporting fire to the pinned-down point element, the enemy in flanking bunkers unleashed a flurry of crossfire; and

“WHEREAS, seizing upon a momentary lull in the exchange of fire, First Lieutenant John Kuulei Kauhahao hacked an opening through the bamboo growing on the dirt mound and took cover; and

“WHEREAS, in the next 15 minutes, First Lieutenant (Infantry) John Kuulei Kauhahao hurled more than 30 hand grenades through this opening at the enemy bunkers and drew enemy fire upon himself so that his men could sight enemy gunners and bring the enemy under suppressive fire; and

“WHEREAS, after directing the withdrawal of his battered point element, First Lieutenant John Kuulei Kauhahao crawled over 100 meters of fire-swept terrain, dragged vital equipment to the rear, and helped wounded soldiers to a position of safety; and

“WHEREAS, while rejoining his men to the company’s main force, First Lieutenant (Infantry) John Kuulei Kauhahao sighted an enemy squad moving up on his tattered platoon, and as he advanced to engage the approaching enemy, First Lieutenant John Kuulei Kauhahao was mortally wounded by enemy fire.”

“Colleagues, Hawai‘i has many sons and daughters who have been in the military, and who have been in many positions such as our First Lieutenant. We are asking Congress to look at his situation and to consider him for the Congressional Medal of Honor; we believe he has earned it, he has paid the ultimate sacrifice, and this is an honor that we should certainly support, and I ask for your vote on this measure. Thank you very much.”

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted 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 KAUAHAHAO, OF HONAUNAU, HAWAII,” was adopted.

FINAL READING

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

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. 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,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

WAIVER OF REFERRAL

Senator Gabbard, Chair of the Committee on Energy and Environment, requested that the referral of H.C.R. No. 189, H.D. 1 to the Committee on Energy and Environment and the Committee on Commerce and Consumer Protection be waived.

Senator Gabbard noted:

“Madam President and colleagues, this reso simply requests that the governor engage and work with our neighbor island communities in formulating the state’s energy policy. Given that our deadline to file amended HCRs was this past Friday, and if we held a hearing we would be unable to make any amendments, this waiver is advisable so that neighbor island residents won’t have to fly over for a committee hearing.”

The Chair granted the waiver.

By unanimous consent, H.C.R. No. 189, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ENGAGE AND WORK WITH

LANAI, MOLOKAI, AND THE OTHER NEIGHBOR ISLAND COMMUNITIES WHEN FORMULATING ENERGY POLICY AND IDENTIFYING ENERGY PROJECTS FOR THE STATE OF HAWAII,” was placed on the calendar for adoption on Tuesday, April 23, 2013.

At this time, Senator Gabbard wished the members of the Senate a Happy Earth Day, and urged everyone to continue working together to protect our natural environment and our island paradise.

APPOINTMENT AND DISCHARGE OF CONFEREES

S.B. No. 331, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 331, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Hee, chair; Ige, co-chair; Kouchi, Ruderman, Shimabukuro as managers on the part of the Senate at such conference.

S.B. No. 1093, S.D. 2 (H.D. 2):

The President discharged Senator Kidani as co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 1093, S.D. 2.

H.B. No. 152, H.D. 1 (S.D. 2):

The President discharged Senator Kidani as co-chair and appointed her as a manager and discharged Senator Ige as a manager and appointed him as co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 152, H.D. 1.

H.B. No. 252, H.D. 2 (S.D. 2):

The President appointed Senator Ige as co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 252, H.D. 2.

ADJOURNMENT

At 11:52 a.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Tuesday, April 23, 2013.