

FIFTY-FIFTH DAY

Tuesday, April 23, 2013

The Senate of the Twenty-Seventh Legislature of the State of Hawai'i, Regular Session of 2013, convened at 11:34 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-Fourth Day.

At this time, Senator Dela Cruz welcomed Mrs. Joy Kouchi, wife of State Senator Ronald D. Kouchi, and her aunt, Pat Gushiken, who was visiting from Michigan.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 264 to 268) were read by the Clerk and were placed on file:

Gov. Msg. No. 264, dated April 19, 2013, transmitting a proposed conference draft (C.D. 1) amending H.B. No. 816, S.D. 1, to fund the settlement concerning Collective Bargaining Unit 1.

Gov. Msg. No. 265, dated April 19, 2013, transmitting a proposed conference draft (C.D. 1) amending S.B. No. 908, S.D. 1, H.D. 1 to fund the arbitration award concerning Bargaining Unit 9.

Gov. Msg. No. 266, dated April 19, 2013, transmitting a proposed conference draft (C.D. 1) amending S.B. No. 1057, S.D. 1, H.D. 1 concerning Bargaining Units 9 and 10.

Gov. Msg. No. 267, dated April 19, 2013, transmitting proposed changes to the FB 2013-15 Biennium Budget for the Department of Budget and Finance.

Gov. Msg. No. 268, letter dated April 19, 2013, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 908, S.D. 1, H.D. 1, to provide fund authorizations and appropriations for collective bargaining cost items in the arbitrated settlement for collective bargaining Unit 9 and its excluded counterparts for fiscal biennium 2011-2013.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 716 to 726) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 716, informing the Senate that on April 22, 2013, 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:

H.B. No. 1059, H.D. 2, S.D. 2; and
H.B. No. 1130, H.D. 1, S.D. 1,

was placed on file.

Hse. Com. No. 717, informing the Senate that on April 22, 2013, the Speaker appointed conferees on the part of the House for the consideration of amendments proposed by the Senate to the following House bills:

H.B. No. 17, H.D. 1 (S.D. 2):

Representatives Evans, Rhoads, co-chairs; Kawakami, Cheape.

H.B. No. 653 (S.D. 1):

Representatives Belatti, Morikawa, co-chairs; Kobayashi, Fukumoto,

was placed on file.

Hse. Com. No. 718, returning S.C.R. No. 11, which was adopted by the House of Representatives on April 22, 2013, was placed on file.

Hse. Com. No. 719, returning S.C.R. No. 12, which was adopted by the House of Representatives on April 22, 2013, was placed on file.

Hse. Com. No. 720, returning S.C.R. No. 83, which was adopted by the House of Representatives on April 22, 2013, was placed on file.

Hse. Com. No. 721, returning S.C.R. No. 108, which was adopted by the House of Representatives on April 22, 2013, was placed on file.

Hse. Com. No. 722, returning S.C.R. No. 141, which was adopted by the House of Representatives on April 22, 2013, was placed on file.

Hse. Com. No. 723, returning S.C.R. No. 172, S.D. 2, which was adopted by the House of Representatives on April 22, 2013, was placed on file.

Hse. Com. No. 724, returning S.C.R. No. 173, S.D. 1, which was adopted by the House of Representatives on April 22, 2013, was placed on file.

Hse. Com. No. 725, returning S.C.R. No. 21, as amended in H.D. 1, which was adopted by the House of Representatives on April 22, 2013, was placed on file.

By unanimous consent, action on S.C.R. No. 21 (H.D. 1), entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE EXCHANGE AND SALE OF PROPERTY BETWEEN THE STATE OF HAWAII AND NAPOLEON, ET AL., APPROVED BY THE BOARD OF LAND AND NATURAL RESOURCES AT ITS MEETING ON JUNE 8, 2012, UNDER AGENDA ITEM D-11," was deferred until Wednesday, April 24, 2013.

Hse. Com. No. 726, returning S.C.R. No. 41, S.D. 1, as amended in H.D. 1, which was adopted by the House of Representatives on April 22, 2013, was placed on file.

By unanimous consent, action on S.C.R. No. 41, S.D. 1 (H.D. 1), entitled: "SENATE 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 deferred until Wednesday, April 24, 2013.

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. 48, presented a report (Conf. Com. Rep. No. 3) recommending that S.B. No. 48, H.D. 1, 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. 3 and S.B. No. 48, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," was deferred for a period of 48 hours.

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. 1082, S.D. 1, presented a report (Conf. Com. Rep. No. 4) recommending that S.B. No. 1082, S.D. 1, 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. 4 and S.B. No. 1082, S.D. 1, 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.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 328, S.D. 1, presented a report (Conf. Com. Rep. No. 5) recommending that S.B. No. 328, S.D. 1, 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. 5 and S.B. No. 328, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 502, S.D. 1, presented a report (Conf. Com. Rep. No. 6) recommending that S.B. No. 502, S.D. 1, H.D. 1, 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. 6 and S.B. No. 502, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE SELLER DISCLOSURE," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 507, S.D. 1, presented a report (Conf. Com. Rep. No. 7) recommending that S.B. No. 507, S.D. 1, H.D. 1, 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. 7 and S.B. No. 507, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1066, presented a report (Conf. Com. Rep. No. 8) recommending that S.B. No. 1066, H.D. 1, 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. 8 and S.B. No. 1066, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES LAW," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 84, presented a report (Conf. Com. Rep. No. 9) recommending that S.B. No. 84, 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. 9 and S.B. No. 84, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO PUBLIC HOUSING," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senators Tokuda and Ige, for the Committee on Education and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 1633) recommending that H.C.R. No. 30, H.D. 1 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1633 and H.C.R. No. 30, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO MEET WITH INTERESTED PARTIES TO EXAMINE THE FEASIBILITY OF ESTABLISHING A BOXING PILOT PROGRAM IN AT LEAST ONE OF HAWAII'S PUBLIC HIGH SCHOOLS," was deferred until Wednesday, April 24, 2013.

Senators Espero and English, for the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Transportation and International Affairs, presented a joint report (Stand. Com. Rep. No. 1634) recommending that H.C.R. No. 183 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1634 and H.C.R. No. 183, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND CONGRESS TO SUPPORT AND PASS THE FILIPINO VETERANS FAMILY REUNIFICATION ACT OF 2013," was deferred until Wednesday, April 24, 2013.

Senators Espero and English, for the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Transportation and International Affairs, presented a joint report (Stand. Com. Rep. No. 1635) recommending that H.C.R. No. 224, H.D. 1 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1635 and H.C.R. No. 224, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO EXAMINE AND RE-EVALUATE ITS POLICIES REGARDING REFUGEE AND ASYLEE PROTECTIONS, INCLUDING THE PRINCIPLE OF NON-REFOULEMENT," was deferred until Wednesday, April 24, 2013.

Senator Dela Cruz, for the Committee on Economic Development, Government Operations and Housing, presented a report (Stand. Com. Rep. No. 1636) recommending that the Senate advise and consent to the nominations to the Hawai'i Community Development Authority (Kaka'ako District) of the following:

BRIAN LEE, in accordance with Gov. Msg. No. 754; and

LOIS MITSUNAGA, in accordance with Gov. Msg. No. 756.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1636 and Gov. Msg. Nos. 754 and 756 was deferred until Wednesday, April 24, 2013.

Senators Chun Oakland and Baker, for the Committee on Human Services and the Committee on Commerce and Consumer Protection, presented a joint report (Stand. Com. Rep. No. 1637) recommending that H.C.R. No. 199, H.D. 1 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1637 and H.C.R. No. 199, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS AND THE AMERICAN ASSOCIATION FOR MARRIAGE AND FAMILY THERAPY: HAWAII

DIVISION, TO DEVELOP DRAFT LEGISLATION ESTABLISHING, IMPLEMENTING, AND MONITORING CONTINUING EDUCATION REQUIREMENTS FOR ALL LICENSED MARRIAGE AND FAMILY THERAPISTS IN HAWAII," was deferred until Wednesday, April 24, 2013.

Senators Chun Oakland and Ige, for the Committee on Human Services and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 1638) recommending that H.C.R. No. 184 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1638 and H.C.R. No. 184, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A COMPREHENSIVE FINANCIAL AUDIT OF THE DEPARTMENT OF HUMAN SERVICES MED-QUEST DIVISION, WITH EMPHASIS ON THE MEDICAID PROGRAM," was deferred until Wednesday, April 24, 2013.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1639) recommending that H.C.R. No. 118, H.D. 1 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1639 and H.C.R. No. 118, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO PREPARE A PROGRESS REPORT ON DETAILING EFFORTS TO IMPROVE AND RE-ENGINEER PROCESSING FOR ADULT PROTECTIVE SERVICES," was deferred until Wednesday, April 24, 2013.

Senators Chun Oakland and Ige, for the Committee on Human Services and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 1640) recommending that H.C.R. No. 76 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1640 and H.C.R. No. 76, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING TO CONTINUE ITS RESEARCH OF THE TIMEBANKING CONCEPT FOR HAWAII'S RESPITE SYSTEM," was deferred until Wednesday, April 24, 2013.

ORDER OF THE DAY

FINAL READING

MATTER DEFERRED FROM MONDAY, APRIL 22, 2013

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

Senator Ige moved that S.B. No. 1193, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Espero.

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

"This bill has had a long and rocky journey this year. The law originally exempted local sales to the cruise industry and to aircraft carriers, primarily out-of-state and even out-of-country. The object was to encourage the sale of local goods and services. Now technically, it's true that the sale takes place in the State of Hawai'i, and therefore is subject to the general excise tax. However, that's why we passed the law years ago to exempt these purchases. And in order to remove the exemption this year, what we're basically doing is two things: we will be discouraging the incentive for the sale of more local products, and secondly, this will result in a tax increase for both the cruise and the airline industry. So, I would urge my colleagues to consider this bill. Thank you."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1193, S.D. 1, and 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

At 11:39 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:42 a.m.

ADVISE AND CONSENT

Stand. Com. Rep. No. 1616 (Gov. Msg. No. 743):

Senator Green moved that Stand. Com. Rep. No. 1616 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 MARTHA TURNER to the Health Planning Council, Tri-Isle Subarea, 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, 25. Noes, none.

Stand. Com. Rep. No. 1617 (Gov. Msg. No. 791):

Senator Green moved that Stand. Com. Rep. No. 1617 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 MARALYN KURSHALS to the Health Planning Council, West O'ahu Subarea, 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, 25. Noes, none.

Stand. Com. Rep. No. 1618 (Gov. Msg. No. 737):

Senator Green moved that Stand. Com. Rep. No. 1618 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 ANTHEA WANG to the Tobacco Prevention and Control Advisory Board, term to expire June 30, 2014, seconded by Senator Baker.

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. 1619 (Gov. Msg. No. 742):

Senator Green moved that Stand. Com. Rep. No. 1619 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 CYNTHIA DANG to the Mental Health and Substance Abuse, O'ahu Service Area Board, term to expire June 30, 2016, seconded by Senator Baker.

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. 1620 (Gov. Msg. No. 736):

Senator Green moved that Stand. Com. Rep. No. 1620 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 KURT NAGATA to the Mental Health and Substance Abuse, Kaua'i Service Area Board, term to expire June 30, 2016, seconded by Senator Baker.

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. 1621 (Gov. Msg. No. 735):

Senator Green moved that Stand. Com. Rep. No. 1621 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 SULMA GANDHI to the Mental Health and Substance Abuse, Hawai'i Service Area Board, term to expire June 30, 2016, seconded by Senator Baker.

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. 1622 (Gov. Msg. Nos. 733, 738, and 781):

Senator Green moved that Stand. Com. Rep. No. 1622 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 Developmental Disabilities of the following:

MAXINE NAGAMINE, term to expire June 30, 2014 (Gov. Msg. No. 733);

JENNIFER PATRICIO, term to expire June 30, 2017 (Gov. Msg. No. 738); and

LESLIE TAWATA, term to expire June 30, 2015 (Gov. Msg. No. 781),

seconded by Senator Baker.

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. 1623 (Gov. Msg. Nos. 773 and 785):

Senator Wakai moved that Stand. Com. Rep. No. 1623 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Wakai then moved that the Senate advise and consent to the nominations to the State Foundation on Culture and the Arts Commission of the following:

JULIA STEELE, term to expire June 30, 2015 (Gov. Msg. No. 773); and

EVA ROSE WASHBURN-REPOLLO, term to expire June 30, 2017 (Gov. Msg. No. 785),

seconded by Senator Nishihara.

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. 1624 (Gov. Msg. No. 783):

Senator Wakai moved that Stand. Com. Rep. No. 1624 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Wakai then moved that the Senate advise and consent to the nomination of WILLIAM SOUZA to the Hawai'i Historic Places Review Board, term to expire June 30, 2017, seconded by Senator Nishihara.

Senator Solomon rose to request that remarks in support of the nominee be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Solomon's remarks read as follows:

"Mr. Souza received a Bachelor of Arts degree from Chaminade University. Prior to Mr. Souza's retirement in 2005, he served as the Administrative Assistant for Hawaiian Affairs to the Chancellor of the University of Hawaii at Leeward Community College. He also served in the U.S. Army as a Medical Corpsman (E-5) Sergeant.

"Mr. Souza previously served as the Chairman of the Hawaii Historical Places Review Board for one term. Recently, Mr. Souza served as a Protocol Officer and High Chief of the Royal Order of Kamehameha I for visiting diplomats and consuls assigned to Hawaii.

"Based on the testimony submitted, your Committee finds that William Souza is exceptionally qualified to serve on the Hawaii Historic Places Review Board. The nominee's background, knowledge, and skills will serve the Board and the people of Hawaii well."

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. 1625 (Gov. Msg. No. 753):

Senator Dela Cruz moved that Stand. Com. Rep. No. 1625 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 MAHEALANI CYPHER to the Hawai'i Community Development Authority (He'eia District), term to expire June 30, 2016, 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. 1626 (Gov. Msg. Nos. 688 and 689):

Senator Solomon moved that Stand. Com. Rep. No. 1626 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Solomon then moved that the Senate advise and consent to the nominations to the Land Use Commission of the following:

ERNEST MATSUMURA, term to expire June 30, 2017 (Gov. Msg. No. 688); and

SHELDON BIGA, term to expire June 30, 2015 (Gov. Msg. No. 689),

seconded by Senator Shimabukuro.

Senator Solomon rose to request that remarks in support of the nominees be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Solomon's remarks read as follows:

"Ernest Matsumura received a Bachelor of Science degree from Brigham Young University in Provo, Utah. He has been the Chief Executive Officer of American Trading Co. Ltd. since 1971 and is the former owner (retired) of Designer Meats Inc. d.b.a. Miko Foods of Hawaii. He is also the President of the East Hawaii Community Development Corporation. Mr. Matsumura's experience includes Charter Director of Pacific Educational Foundation Inc. (Hawaii Jobs Corps); Past President/Director of the Kanoiehua Industrial Area Association; Hawaii County Advisor for SRI International, Menlo Park, California; Chairman of the Hawaii County Private Industry Council; Chairman of the Hawaii Island New Industry Development Committee; Principal of Hawaii Job Corps Center Educational Department; Hawaii County Hospital Management Advisory Committee; Board of Director of Alu Like Inc. statewide; Region IX Business Roundtable program of the U.S. Department of Labor; and Chairman of the County of Hawaii Real Property Tax Board of Review.

"Mr. Matsumura has served on the Land Use Commission on an interim basis for the past two years, and your Committee finds that Mr. Matsumura's knowledge and skills will enable him to continue representing the island of Hawaii well on the Commission.

"Sheldon Biga is a Lead Millwright Journey Worker, Machine Shop at Hawaiian Commercial and Sugar Company in Kahului, Maui, a position which he has held since 1977.

"Mr. Biga has been serving on the Land Use Commission since June 2012. According to testimony, he has already demonstrated the willingness and capability to contribute to the Commission. Mr. Biga has worked hard to find common paths to resolve a number of difficult community issues and has been a leader in working for the betterment of his community. He has a deep seated love of his island home of Maui, which lends important insight to the Commission. Mr. Biga's philosophy on his role with the Land Use Commission is very holistic and multi-dimensional. He sees the significance of the Commission as an opportunity to develop a balance between economic, cultural, and agricultural interests."

Senator Kahele rose to speak in support of Gov. Msg. No. 688 as follows:

"Personally, I know Ernie Matsumura has done a fantastic job, he's well-respected in Hilo, and I wish him all the luck as he continues to serve on the State Land Use Commission.

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. 1627 (Gov. Msg. Nos. 709 and 710):

Senator Solomon moved that Stand. Com. Rep. No. 1627 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Solomon then moved that the Senate advise and consent to the nominations to the Land Use Commission of the following:

DENNIS ESAKI, term to expire June 30, 2017 (Gov. Msg. No. 709); and

CAROL TORIGOE, term to expire June 30, 2017 (Gov. Msg. No. 710),

seconded by Senator Shimabukuro.

Senator Solomon rose to request that remarks in support of the nominees be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Solomon's remarks read as follows:

"Dennis Esaki received a Bachelor of Science degree in Geology from the University of Hawai'i at Manoa. He is the President of Esaki Surveying & Mapping, Inc., and is a Licensed Professional Land Surveyor and Land Court Surveyor. The nominee is a partner in Kauai Farm Fuel, LLC, which processes used vegetable oil. He is the Chairman Emeritus and a Founding Director of the Kauai Island Utility Cooperative. Mr. Esaki serves as a Director of the Japanese Cultural Center of Hawaii and was on the Kokee State Park Advisory Council. As a prominent member of the Kauai community, Governor Abercrombie and Mayor Carvalho designated by proclamation Dennis Esaki Day on May 31, 2012.

"Your Committee notes from the nominee's personal statement that he can bring together different factions for the common goal by working together to balance growth and respect for the land. His mission is to contribute to making the right decisions with regard to land use in Hawaii for the right reasons, resulting in preserving the land for future generations.

"Carol Torigoe received a Bachelor of Architecture degree from the University of Hawai'i at Manoa and is a Registered Architect in Hawaii. She is a member of the American Institute of Architects. The nominee is an adjunct professor at the University of Hawai'i at Manoa School of Architecture, where she also played an integral part in the development of the Practicum Program and continues to participate in that program.

"Ms. Torigoe has been the Chief Executive Officer of KYA Design Group since 2012. In her first year as CEO, KYA has become the first architectural firm in Hawaii, and third architectural firm internationally, to qualify for benefit corporation status. A 29-year KYA veteran, Carol Torigoe has been a key player in the company's biggest transformations. She managed the development of creative markets for KYA Design Group and oversaw the launch of a new firm under the KYA Corporation, the KYA Sustainability Studio, which is the first Global Reporting Initiative Organizational Stakeholder in Hawaii. The Corporation's portfolio synergizes a 40-year veteran and reputable architecture firm with a new, innovative think tank/sustainability consultancy service.

"According to the nominee's resume, integrity, ethics, and a commitment to Hawaii are the firm's values under her leadership, and 'Hawaii's people, culture, future and the social stewardship of the 'Aina, are keystones in the KYA Design Group's project approaches and in the KYA Sustainability Studio's mission.'"

Senator Kahele rose to speak in support of Gov. Msg. No. 709 as follows:

"Also the gentlemen from Kaua'i, Dennis Esaki: he's a well-respected person and I strongly support him in his efforts also. Thank you."

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. 1628 (Gov. Msg. Nos. 774 and 775):

Senator Solomon moved that Stand. Com. Rep. No. 1628 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Solomon then moved that the Senate advise and consent to the nominations to the Commission on Water Resource Management of the following:

KAMANAMAICALANI BEAMER, term to expire June 30, 2017 (Gov. Msg. No. 774); and

MILTON PAVAO, term to expire June 30, 2017 (Gov. Msg. No. 775),

seconded by Senator Shimabukuro.

Senator Solomon rose to request that remarks in support of the nominees be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Solomon's remarks read as follows:

"Kamanamaikalani Beamer is a graduate of Kamehameha Schools and received an Associate's degree from Marymount College, a Bachelor's degree with a double major in Hawaiian Studies and Philosophy from the University of Hawai'i, a Master's degree and a Doctor of Philosophy degree in Geography from the University of Hawai'i at Manoa, and a First Nations Futures Institute Certificate from Stanford University. He is currently an Assistant Professor in the Hui 'Aina Momona Program, Hawai'i inuiakea School of Hawaiian Knowledge and Richardson School of Law, University of Hawai'i at Manoa. He currently serves as Director of the First Nations Futures Program, and has a wealth of research and teaching experience in Hawaiian studies and related land programs. Your Committee notes his specialized skills in fluency in the Hawaiian language; lifetime of Hawaiian cultural training and practice; Hawaiian language composer and songwriter; and foundational knowledge of Hawaiian resources management principles and sustainability practices.

"Your Committee notes from the nominee's personal statement that three of his strongest qualities are diplomacy, open-mindedness, and an ability to work effectively as part of a team. I am a straightforward person who acts with integrity. Throughout my career, I have managed to work with different groups and achieve collaboration while bringing together units that had previously operated in silos.

"Milton Pavao is a licensed engineer and received a Bachelor of Science degree in civil engineering from the University of Hawaii. He was formerly with the Department of Water Supply, County of Hawaii for nearly forty years, and held various engineering positions, including Construction and Design Section Head and Manager and Chief Engineer.

"Your Committee notes from the personal statement of the nominee that he perceives his role and responsibilities as a member of the Commission on Water Resource Management to be a steward of the State's water resources. He identifies his three best qualities as honesty, integrity, and transparency."

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. 1629 (Gov. Msg. No. 705):

Senator Solomon moved that Stand. Com. Rep. No. 1629 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Solomon then moved that the Senate advise and consent to the nomination of REED KISHINAMI to the Board of Land and Natural Resources, term to expire June 30, 2017, seconded by Senator Shimabukuro.

Senator Solomon rose to request that remarks in support of the nominee be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Solomon's remarks read as follows:

"Reed Kishinami received a Bachelor of Science degree in Finance from the University of Colorado. He currently serves as a Member/Owner of the Resort Management Group Companies. Mr. Kishinami previously worked for the PARCON Group; UNIFAB Industries, LLC; Takano Nakamura Landscaping, Inc.; the Hawaii Community Development Authority; Castle & Cooke Homes Hawaii; and the State House of Representatives. He currently serves on the Board of Directors of Oceania Community Health.

"Your Committee notes from the nominee's testimony that he strongly feels that his diverse experience in running a local business and working for a large Hawaii conglomerate and his service on the Hawaii Community Development Authority as a Development Project Manager and Urban Planning Coordinator provide him with a very well rounded background to understand the issues and challenges facing the Department of Land and Natural Resources. He believes that a positive mindset is very critical to the overall success of any organization and that a combination of creative, cooperative, open-minded thinking can generate great synergy and extraordinary results. Mr. Kishinami hopes to encourage these basic ideals in the operation and decision making of the Board of Land and Natural Resources. He believes the Board members are temporary stewards of Hawaii's natural resources and have a fiduciary duty to the current and future generations of Hawaii.

"Testifiers in support of the nominee spoke overwhelmingly of Mr. Kishinami's integrity, hard work ethic, good heartedness, generosity, keenness of intellect, high character, straight forward and no-nonsense style, and dedication to the common good of everyone. His modesty is evident from what testifiers have said about him, and his resume and personal testimony reflect a quiet, humble personality."

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. 1630 (Gov. Msg. No. 776):

Senator Solomon moved that Stand. Com. Rep. No. 1630 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Solomon then moved that the Senate advise and consent to the nomination of JAMES GOMES to the Board of Land and Natural Resources, term to expire June 30, 2017, seconded by Senator Shimabukuro.

Senator Solomon rose to request that remarks in support of the nominee be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Solomon's remarks read as follows:

"James Gomes is the Operations Manager for Ulupalakua Ranch Ltd., a position he has held since 2003. He also served as President of the Maui Cattlemen's Association and on the Board of Directors of the Association. He is the Chairperson of the County of Maui Liquor Commission. The nominee also

serves as Director of the Central Maui Soil and Water Conservation District.

“Your Committee notes from the nominee’s personal statement that his strongest attribute is his commitment to the land of Hawaii and his knowledge from experience to assist in dry land reforestation projects. He also hopes to assist in finding the best use of our resources and to protect them for future generations.”

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. 1631 (Gov. Msg. No. 731):

Senator Solomon moved that Stand. Com. Rep. No. 1631 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Solomon then moved that the Senate advise and consent to the nomination of NATHAN YUEN to the Natural Area Reserves System Commission, term to expire June 30, 2017, seconded by Senator Shimabukuro.

Senator Solomon rose to request that remarks in support of the nominee be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Solomon’s remarks read as follows:

“Nathan Yuen received a Bachelor of Business Administration degree with a double major in Accounting and Management Information Systems from the University of Hawai’i at Manoa, College of Business Administration. He received a Master of Business Administration degree from Hawai’i Pacific University. The nominee currently works for InSynergy Engineering, Inc., where he provides engineering services and administration support to project managers overseeing projects in Hawai’i, Guam, Japan, and other sites throughout the Pacific region.

“Nathan Yuen states in his resume that he loves to hike to remote parts of the Hawaiian Islands to photograph and blog about the rarely seen native plants and animals that live there. He created the Year of the Hawaiian Forest calendar for the State of Hawai’i in 2003. He is a member of the Hawaiian Trail and Mountain Club, Sierra Club of Hawai’i, and Hawai’i Audubon Society.

“Your Committee notes the following excerpt from the nominee’s personal statement: ‘I’d like to be on the Natural Area Reserves Commission to help save rare and endangered native Hawaiian plants and animals. For the past 15 years I have been an amateur naturalist/hiker/photographer/blogger where I have hiked to remote parts of the islands to photograph and blog about these unique creatures . . . Hawai’i is known as the extinction capitol of the world. The NARS Commission can play a big part in reversing this unenviable distinction.’”

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. 1632 (Gov. Msg. No. 794):

Senator Solomon moved that Stand. Com. Rep. No. 1632 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Solomon then moved that the Senate advise and consent to the nomination of JUDITH LEMUS to the Kaneohe Bay Regional Council, term to expire June 30, 2015, seconded by Senator Shimabukuro.

Senator Solomon rose to request that remarks in support of the nominee be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Solomon’s remarks read as follows:

“Judith Lemus received a Bachelor of Science degree in Biology from the University of California at Los Angeles, a Master’s degree in Biology from the University of California at Los Angeles, and a Doctorate of Philosophy degree in Biological Sciences from the University of Southern California. She is currently an Associate Specialist at the Hawai’i Institute of Marine Biology, University of Hawai’i at Manoa. She also served as a Marine Advisory Program Leader for the University of Southern California Sea Grant Program, as well as a Science Specialist in the Program. The nominee created and instructed a course entitled, ‘The Role of Marine Protected Areas in Ecosystem Based Management’ at the University of Hawaii at Manoa School of Ocean and Earth Sciences and Technology.

“Your Committee notes the nominee’s own words from her personal statement, ‘Through my interaction and collaboration with colleagues, I will be able to offer perspectives on biological, chemical and physical processes and interactions that contribute to the healthy functioning of the ecosystem. Within my own work, for the past five years I have been collaborating with community organizations in Kaneohe Bay to help extend science research information to Kaneohe Bay residents.’”

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 Kouchi introduced Dennis Esaki, newly confirmed member of the Land Use Commission.

Senator Solomon recognized Reed Kishinami and James Gomes, who were confirmed to the Board of Land and Natural Resources and were seated in the gallery.

Senator English, on behalf of the Maui senators, extended an additional welcome to James Gomes, who was accompanied by TJ Nobear.

Senator Keith-Agaran, on behalf of his colleagues from Maui, introduced newly confirmed Land Use Commissioner Sheldon Biga and his wife Marie.

ADOPTION OF RESOLUTION

H.C.R. No. 189, H.D. 1:

On motion by Senator Espero, seconded by Senator Slom and carried, 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 adopted.

Senator Ige, Chair of the Committee on Conference on the part of the Senate for H.B. No. 51 (S.D. 1), requested a waiver of the notice requirement pursuant to the Joint House-Senate 2013 Committees on Conference Procedures Nos. 4 and 5.

Senator Ige noted:

“I’m requesting this waiver – we actually had posted a hearing notice for 7:00 p.m. last night, and we actually did convene on H.B. No. 51, but we had completed work on the budget, H.B. No. 200, first and the staff had noted that we had convened on the H.B. No. 51 after the 30-minute notice. And

therefore, in an abundance of caution, we are seeking a waiver to reconvene on H.B. No. 51 this evening at 7:00 p.m. Thank you.”

The Chair granted the waiver.

Senator Ige announced that the Committee on Conference would be holding a public meeting on H.B. No. 51 at 7:00 p.m. that evening in Conference Room 309.

ADJOURNMENT

At 11:48 a.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Wednesday, April 24, 2013.