

## FORTIETH DAY

## Thursday, April 2, 2015

The Senate of the Twenty-Eighth Legislature of the State of Hawai'i, Regular Session of 2015, 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 Thirty-Ninth Day.

Senator Inouye introduced Auntie Momi Lum, wife of the late Major General Lum, who served as Adjutant General under Governor George R. Ariyoshi. Auntie Momi Lum was present in the gallery with her daughter, Angela Thomas, who is also Senator Inouye's office manager.

Senator Espero welcomed Mr. Domingo Ambrosio, president of the Councilors League of the Philippines – Ilocos Norte Chapter, and his wife, Mrs. Ambrosio; and Cesar Bonilla and Rose Cayan-Aquino from the O'ahu Filipino Community Council.

Senator Nishihara recognized Puanani Crabbe from the Hawai'i Health Connector, who was present in the gallery.

Senator Wakai recognized the United States Small Business Administration's State of Hawai'i Small Business Award recipients, and presented the following remarks:

"Thank you, Madam President and colleagues. Joining us on the floor today are the faces of those who drive our economy and allow us to provide services to the public. These are the faces who have courageously created small businesses throughout the state.

"The U.S. Small Business Administration has offered millions of dollars in loans, contracts, counseling services, and other forms of assistance to a variety of small businesses. This organization was founded in 1953. SBA was created in response to the pressures of the Great Depression and the aftermath of World War II. The Hawaii District Office oversees the delivery of SBA's programs throughout Hawai'i, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, and the Marshall Islands as well as Palau.

"Each year, the SBA honors those who have distinguished themselves as true leaders of the business community. With so many winners, I've asked fellow senators to introduce the winners from their respective districts.

"So on behalf of you, Senate President Kim, I present the 2015 SBA Small Business Media Advocate of the Year, Bob Sigall. Mr. Sigall is a consultant, journalist, entrepreneur, teacher, and mentor who owns Creative-1, a marketing and management consulting firm started in 1985.

"After earning his master's degree at the University of Hawai'i at Mānoa, Mr. Sigall helped more than 1,000 local companies with their marketing, finance, strategy, and management needs. Through Small Business Hawaii, he has worked on legislation and written supporting testimony, prepared business training curriculum, and created conferences for young entrepreneurs. He also serves on the SBA's women and business committee to open doors and expand opportunities for aspiring female entrepreneurs. Congratulations, Mr. Sigall, for your outstanding contributions."

Senator Thielen rose to present the following remarks:

"Thank you, Madam President. It is my honor today to introduce the 2015 Small Business Advocate for the State of Hawai'i for Financial Services, and that is Louis Perez III.

"This award goes to an individual who has shown effective support for small businesses through the distribution of financial services, including financial literacy, credit, and access to capital. Mr. Perez has an incredible passion for helping small businesses; connecting socially and economically disadvantaged individuals is particularly rewarding to him.

"He is the managing director for AKAMAI Capital LLC, a subsidiary of the AKAMAI Foundation that furthers community economic development and business training. As the investment arm, AKAMAI uses the tools of investment trading, asset management, merchant banking, and venture capital to provide training and employment to select graduates from the foundation's educational programs.

"Mr. Perez is a frequent speaker, trainer, and panelist for entrepreneurial programs such as the Small Business Emerging Leaders Initiative and the Community Development Venture Capital Fund. He's also provided briefings to the State Legislature; the Federal Reserve Bank of San Francisco; the White House Initiative on Asian Americans and Pacific Islanders; Ford Foundation; and Native Hawaiian Convention on investment capital, community lending, and topics impacting the local Hawaiian community.

"He was nominated by Naomi Masuno of Bank of Hawaii; thank you very much. Mr. Perez is joined by his wife, Lisa Marie Perez; Johnny Chankhamany, president of the AKAMAI Foundation; Todd Shishido, cofounder, Native Hawaiian Legal Defense & Education Fund; and Herb Lee, the executive director of the Pacific American Foundation."

Senator Kouchi rose to present the following remarks:

"Thank you, Madam President. Before I introduce Kaua'i's recipient, I do want to extend a big mahalo to Jane Sawyer: Our quarterly chamber dinner last Tuesday night was also a time when we recognized Bruce Grantham and Randall Francisco, who were two other SBA award winners, and she was there to personally acknowledge and recognize all of those from Kaua'i.

"But today on the floor, we have a Small Business Advocate for Home-Based Business award, which honors an individual who assists small businesses through great advocacy and support. The 2015 award recipient is Jerry Ornellas. It says here, Jerry, that you are a prominent community leader and that you have supported farming statewide through efforts with the Kaua'i Economic Development Board, Kaua'i Farm Bureau, East Kaua'i Water Users' Cooperative, State Board of Agriculture, and the Hawai'i SBDC advisory board. You're a fixture at the Capitol, advocating for all of the farmers on Kaua'i. I know you've also assisted the West Kaua'i water users who didn't know how to advocate to get the kind of irrigation support that you have gotten for the East Kaua'i water users, and so you've extended yourself tremendously.

"Jerry is a lifelong farmer and understands the challenges that the industry faces in a changing modern society. He shared a secret with everyone in attendance at the chamber dinner on Tuesday night: If you want to make \$1 million farming, you need to start with \$10 million. An example of Jerry's advocacy for small businesses and farming is the GoFarm program with the Kaua'i Community College and the Farm Bureau. The mission of GoFarm Hawai'i is to enhance Hawai'i's food security and economy through the increase of local agricultural producers.

"Please join me in recognizing and congratulating 2015 SBA Small Business Advocate for Home-Based Businesses award recipient Jerry Ornellas."

Senator Galuteria rose to present the following remarks:

“Thank you, Madam President. Our 2015 SBA Advocate for the State of Hawai‘i for Minority Small Business – which advocates to increase the awareness of contributions of small businesses to the economy – is my friend, Jean Jeremiah. Mahalo, thank you.

“As the administrator at the Hawai‘i office of SCORE, Jean is the key to the delivery of the nonprofit mission of SBA’s volunteer mentors, who are dedicated to entrepreneurial support and growth of success of small business nationwide. In her role as administrator, Jean matches clients to the appropriate counselor and extends her reach into the community to promote optimal services and support. Very customer-focused, she established outreach locations with Oahu WorkLinks, Kapi‘olani Community College, contacts on Maui island and in Kapolei; and for our Women’s Caucus, you’ll appreciate this – she helped to establish the SCORE Women’s Initiative, a mentoring project for women in any stage of business ownership.

“She’s worked to plan and conduct training and network events for the Filipino Chamber, for the Oahu Filipino Community Council, the Filipino consulate, the Filipino Business Women Association, just to name a few. Her outstanding efforts have far exceeded the expectations of any part-time administrator, and we appreciate that. So colleagues, it’s my honor, as the Legislature’s tallest Filipino, to welcome our 2015 SBA Advocate for Small Minority Business, Jean Jeremiah. Thank you, Jean. Mahalo plenty.”

Senator Ihara rose to present the following remarks:

“Madam President, SBA’s Young Entrepreneur of the Year award honors individuals who have demonstrated strong entrepreneurial and business skills by the successful operation and ownership of a small business for at least three years before reaching the age of 35. I’d like to introduce the 2015 awardee, Sean Fong of Hawaiian Turfgrass Inc.

“Originally from Hilo, Sean started his business on a 6,000-square-foot parcel of land with a secondhand mulcher and an old pickup truck. Today he owns a licensed and bonded sod farm, is a certified landscape contractor, and can provide and install a specialized selection of superior turf products. He also networks with industry leaders worldwide. He just finalized, at under 35 years of age, a joint purchase of 67 acres to continue the phenomenal growth of his enterprise, and looks forward to increasing his current staff to eight. Please join me again in congratulating Sean Fong, 2015 Young Entrepreneur of the Year.”

Senator Nishihara rose to present the following remarks:

“Thank you. At this time, I’d like to honor the 2015 SBA Family-Owned Small Business of the Year. For over a century, Nii Superette has been serving Waipahu and the leeward coast of O‘ahu. The Pink Palace of Waipahu, as it is fondly called, offers a wide selection of local favorites of hard-working, loyal customers seeking groceries, refreshments, and other household items. From eggs to Spam to Heineken and Samurai sherbet, or a 50-pound sack of chicken feed, the fourth-generation family members at Nii Superette offer goods and service with a smile at affordable prices.

“Stephen Nii now holds the title of president of the family-owned business and honors the legacy of his great-grandfather, Kaneichi; grandfather Shoso; and uncle Norman, who have preceded him in the challenging role over the last century.

“Since humble beginnings over 100 years ago, through economic and social change, the superette has been a community hub and survived fiscal hardships. Since 2009,

Stephen has been applying long-held traditions with a contemporary business spin to increase the store’s warehousing capacity, update pricing to competitive advantage, modify retail space, and adjust product lines to match the consumer trends. He has invested in a new point of sale system to support inventory and product trends, and continues to develop the website, [www.niisuperette.com](http://www.niisuperette.com), for customers. The results increase profit margins and improve working conditions and employee morale.

“Nii has also welcomed five new staff, offered better wages and health care coverages by working with the Hawai‘i Health Connector, and he also believes that creating solid relationships with customers and vendors in the community can help one survive the day-to-day challenges of running a business.

“At this time, I’d like to also draw your attention to the gallery: We have his mother, Fumiko Nii. Thank you.”

Senator Slom rose to present the following remarks:

“Thank you and good morning. Thank you, Senate President. You know, I’m in my element today with all these wonderful small business leaders around us and awardees. And actually, everyone who’s in small business who can weather the business climate in Hawai‘i is an awardee. But I’m particularly honored today to make an award for the SBA 2015 Exporter of the Year. We always talk about how Hawai‘i is dependent on imports and how we have to bring everything into the state, but we have dedicated individuals, men and women, who are actually in the export business, and one of those is Robert Stehlik of Blue Planet Surf Gear LLC, dba Blue Planet Surf Shop.

“He founded Blue Planet Surf Gear in 1993 as a clothing line, selling to customers both in Hawai‘i and in Japan. He started with the sale of T-shirts and shorts at the Aloha Stadium Swap Meet – I think I bought some of those that day. The first store that he opened was in Maui in 1995, and the second location was at Aloha Tower Marketplace, the third being Kapahulu Avenue.

“The Ward Avenue shop that opened in 2010 marked a change in his strategy: The direction was now focusing on manufacturing, distribution, and wholesale retail sales of surfboards and standup paddleboards. Now recognized as the standup paddleboard headquarters for locals and tourists alike – and Madam President, maybe you and I can do some tandem standup after session today – Blue Planet Surf provides rentals, lessons, clinics, and repairs, and generates revenues that have increased 57 percent since 2013.

“Robert has weathered economic downturns and has had many challenges and market competition for 21 years, an accomplishment that he credits to the skills and savvy gained with the International Entrepreneurs’ Organization, or the IEO. He’s also worked with the SBA to finance expansion and exporting ventures. He also mentors staff to establish their own innovative ventures, partners with local companies to jointly market products and services and the aloha spirit to visitors. Robert Stehlik.

“And in the gallery, we have Kevin Fung and the nominators from Bank of Hawaii, Anne Blasque and Jared Kobashigawa. Thank you to all of you.”

Senator Green rose to present the following remarks:

“Thank you, Madam President. Eric Tanouye is our 2015 U.S. Small Business Administration Entrepreneurial Success award winner. He’s a fantastic guy. He basically runs a business on the Big Island: Green Point Nursery is located in Kea‘au, on the east side. It’s the state’s premier producer and exporter of anthuriums, which my mother appreciates very greatly; there are tropical flowers and foliage there.

"They were originally founded in 1977, by Harold Tanouye and currently operated by the second- and third-generation family members. Green Point Nursery remains a leader in the ag industry for quality, ongoing innovation, marketing, and sustainability. In the 1990s, Green Point used SBA financing to build greenhouses and acquire equipment to expand their flower production at a time when bacterial blight was threatening their livelihood on the Big Island. Vice President Eric Tanouye has worked tirelessly to create industry standards for increasing production through what's called 'cinder growing media,' irrigation systems, and hermetically sealed bags for shipping and negotiating freight packages.

"This small business that began with just two employees now has created more than 50 stable jobs in the East Hawai'i community, so congratulations, Eric. He's also created various other opportunities for other growers of the same plant variety on Hawai'i island; that's also a credit to his family's business.

"Eric Tanouye has been able to increase revenues and net worth through his market knowledge and perseverance, and he was instrumental in diversifying his product line, working with trade organizations and small growers, florists, and shippers. He has continued productive involvement with big organizations – the USDA Pacific Basin Ag Research Center, the UH College of Tropical Ag, and many other agricultural, visitor, and business organizations. He came very, very highly recommended by Senator Ruderman, who is fond of him as well.

"We're joined today by his wife, Lolita, and son Chris. Congratulations. And I'd be remiss if I didn't say that he was nominated by Amy Honda and Roberta Chu. Thank you very much, Eric."

Senator Kahele rose to present the following remarks:

"Mahalo, Madam President. Colleagues, Island Naturals first opened its doors in Hilo in 1997, becoming the premier natural foods grocer on Hawai'i Island with one location and 40 employees. They have now grown to three locations and 150 employees in Hilo, Pāhoa, and Kailua-Kona. Recognized for high-quality natural and organically grown foods, many of which are locally produced, their sales have also increased more than 40 percent over the last three years. With that, please help me congratulate the winner of the 2015 Small Business Person of the Year for the State of Hawai'i, our colleague Senator Russell Ruderman. Congratulations, Russell."

Senator Wakai rose and stated:

"Thank you, Senator Kahele and members. It's great to know that we have a colleague who knows how to make great laws and also make money for all of us. Congratulations to all of our winners who are joining us here on the floor, but we have a number of business leaders in our gallery. You heard from some of them, but I want to point out a couple more: they are District Director of the Small Business Administration Jane Sawyer; joining her are nominators Josephine Alonso and Lawrence Pai, and Bank of Hawaii is represented by Executive Vice President Dana Takushi and Senior Vice President Roberta Chu. And we have representatives from Central Pacific Bank as well as American Savings Bank. Thank you very much. Congratulations to all of our winners and everyone involved in the Small Business Administration."

At 11:58 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:04 p.m.

#### STANDING COMMITTEE REPORTS

Senators Espero and Keith-Agaran, for the Committee on Public Safety, Intergovernmental and Military Affairs and the

Committee on Judiciary and Labor, presented a joint report (Stand. Com. Rep. No. 1269) recommending that S.C.R. No. 150 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1269 and S.C.R. No. 150, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FEDERAL BUREAU OF INVESTIGATION TO REPORT CRIMES OF DOMESTIC VIOLENCE UNDER THE UNIFORM CRIME REPORTING SYSTEM," was deferred until Monday, April 6, 2015.

Senators Espero and Keith-Agaran, for the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Judiciary and Labor, presented a joint report (Stand. Com. Rep. No. 1270) recommending that S.R. No. 92 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1270 and S.R. No. 92, entitled: "SENATE RESOLUTION REQUESTING THE FEDERAL BUREAU OF INVESTIGATION TO REPORT CRIMES OF DOMESTIC VIOLENCE UNDER THE UNIFORM CRIME REPORTING SYSTEM," was deferred until Monday, April 6, 2015.

Senator Keith-Agaran, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1271) recommending that S.C.R. No. 40, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1271 and S.C.R. No. 40, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CAMPAIGN SPENDING COMMISSION TO STUDY AND MAKE RECOMMENDATIONS REGARDING A \$250 CAP ON CAMPAIGN CONTRIBUTIONS AND ON ESTABLISHING A PROCESS FOR THE REFUNDING OF CAMPAIGN CONTRIBUTIONS," was deferred until Monday, April 6, 2015.

Senator Keith-Agaran, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1272) recommending that S.C.R. No. 98, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1272 and S.C.R. No. 98, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO CONDUCT A STUDY TO IDENTIFY TRAFFIC OFFENSES AND CRIMES, PETTY MISDEMEANOR OFFENSES, AND MISDEMEANOR OFFENSES THAT CAUSE A DISPROPORTIONATE WORKLOAD FOR THE JUDICIARY AND THAT MAY BE APPROPRIATE FOR DECRIMINALIZATION AS INFRACTIONS," was deferred until Monday, April 6, 2015.

Senator Kahele, for the Committee on Tourism and International Affairs, presented a report (Stand. Com. Rep. No. 1273) recommending that S.C.R. No. 102, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1273 and S.C.R. No. 102, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PEOPLE OF KOREA TO ENGAGE IN DIALOGUE REGARDING THE PEACEFUL REUNIFICATION OF THE KOREAN PENINSULA," was deferred until Monday, April 6, 2015.

Senator Thielen, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1274) recommending that S.R. No. 36, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1274 and S.R. No. 36, S.D. 1, entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO TAKE ACTION TO PROTECT 'ĪLIAHI,

HAWAIIAN SANDALWOOD,” was deferred until Monday, April 6, 2015.

Senator Thielen, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1275) recommending that S.C.R. No. 76, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1275 and S.C.R. No. 76, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO TAKE ACTION TO PROTECT ‘ILIAHI, HAWAIIAN SANDALWOOD,” was deferred until Monday, April 6, 2015.

Senators Thielen and Chun Oakland, for the Committee on Water and Land and the Committee on Human Services and Housing, presented a joint report (Stand. Com. Rep. No. 1276) recommending that S.R. No. 121, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1276 and S.R. No. 121, S.D. 1, entitled: “SENATE RESOLUTION ENCOURAGING THE OFFICE OF PLANNING, LAND USE COMMISSION, HAWAII COMMUNITY DEVELOPMENT AUTHORITY, HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION, AND COUNTY PLANNING DEPARTMENTS TO ADOPT AND IMPLEMENT RECOMMENDATIONS HIGHLIGHTED IN THE BUILDING HEALTHY PLACES TOOLKIT REPORT BY THE URBAN LAND INSTITUTE, OR SIMILAR POLICIES THAT PROVIDE A COMPREHENSIVE APPROACH TO LAND USE AND DEVELOPMENT THAT STRENGTHEN COMMUNITY HEALTH AND SMART GROWTH PRINCIPLES,” was deferred until Monday, April 6, 2015.

Senators Thielen and Chun Oakland, for the Committee on Water and Land and the Committee on Human Services and Housing, presented a joint report (Stand. Com. Rep. No. 1277) recommending that S.C.R. No. 186, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1277 and S.C.R. No. 186, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION ENCOURAGING THE OFFICE OF PLANNING, LAND USE COMMISSION, HAWAII COMMUNITY DEVELOPMENT AUTHORITY, HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION, AND COUNTY PLANNING DEPARTMENTS TO ADOPT AND IMPLEMENT RECOMMENDATIONS HIGHLIGHTED IN THE BUILDING HEALTHY PLACES TOOLKIT REPORT BY THE URBAN LAND INSTITUTE, OR SIMILAR POLICIES THAT PROVIDE A COMPREHENSIVE APPROACH TO LAND USE AND DEVELOPMENT THAT STRENGTHEN COMMUNITY HEALTH AND SMART GROWTH PRINCIPLES,” was deferred until Monday, April 6, 2015.

Senator Gabbard, for the majority of the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 1278) recommending that S.C.R. No. 164, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1278 and S.C.R. No. 164, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A CLIMATE CHANGE AND HEALTH WORKING GROUP TO ASSESS THE SCOPE AND RISKS OF CLIMATE CHANGE ON THE HEALTH OF HAWAII’S RESIDENTS AND TO DEVELOP A STRATEGIC PLAN TO ADDRESS CLIMATE CHANGE RISKS TO HEALTH STATEWIDE,” was deferred until Monday, April 6, 2015.

Senator Gabbard, for the majority of the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 1279) recommending that S.R. No. 100, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1279 and S.R. No. 100, S.D. 1, entitled: “SENATE RESOLUTION REQUESTING THE CONVENING OF A CLIMATE CHANGE AND HEALTH WORKING GROUP TO ASSESS THE SCOPE AND RISKS OF CLIMATE CHANGE ON THE HEALTH OF HAWAII’S RESIDENTS AND TO DEVELOP A STRATEGIC PLAN TO ADDRESS CLIMATE CHANGE RISKS TO HEALTH STATEWIDE,” was deferred until Monday, April 6, 2015.

Senator Thielen, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1280) recommending that S.C.R. No. 106, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1280 and S.C.R. No. 106, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION CONVENING A TASK FORCE TO IDENTIFY PARCELS OF URBAN SHORELINE IN KAKA’AKO MAKAI IN COORDINATION WITH THE “LEI OF GREEN” POLICY RECOGNIZED IN THE KAKA’AKO MAKAI VISION AND GUIDING PRINCIPLES AND THE MASTER PLAN FOR KAKA’AKO MAKAI ADOPTED BY THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY IN 2011,” was deferred until Monday, April 6, 2015.

Senator Dela Cruz, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 1281) recommending that S.R. No. 101, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1281 and S.R. No. 101, S.D. 1, entitled: “SENATE RESOLUTION SUPPORTING THE CO-NAMING OF A SECTION OF 33RD STREET IN NEW YORK CITY TO FATHER DAMIEN WAY IN HONOR OF SAINT DAMIEN DE VEUSTER,” was deferred until Monday, April 6, 2015.

Senator Dela Cruz, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 1282) recommending that S.C.R. No. 165, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1282 and S.C.R. No. 165, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION SUPPORTING THE CO-NAMING OF A SECTION OF 33RD STREET IN NEW YORK CITY TO FATHER DAMIEN WAY IN HONOR OF SAINT DAMIEN DE VEUSTER,” was deferred until Monday, April 6, 2015.

Senators Dela Cruz and Taniguchi, for the Committee on Government Operations and the Committee on Higher Education and the Arts, presented a joint report (Stand. Com. Rep. No. 1283) recommending that S.R. No. 103, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1283 and S.R. No. 103, S.D. 1, entitled: “SENATE RESOLUTION ESTABLISHING WITHIN THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES A TASK FORCE TO PLAN AND COORDINATE THE CELEBRATION OF THE FIFTIETH ANNIVERSARY OF THE HAWAII STATE CAPITOL,” was deferred until Monday, April 6, 2015.

Senators Dela Cruz and Taniguchi, for the Committee on Government Operations and the Committee on Higher Education and the Arts, presented a joint report (Stand. Com.

Rep. No. 1284) recommending that S.C.R. No. 167, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1284 and S.C.R. No. 167, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING WITHIN THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES A TASK FORCE TO PLAN AND COORDINATE THE CELEBRATION OF THE FIFTIETH ANNIVERSARY OF THE HAWAII STATE CAPITOL," was deferred until Monday, April 6, 2015.

Senator Dela Cruz, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 1285) recommending that S.R. No. 14 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1285 and S.R. No. 14, entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR TO ORDER THE EXCLUSIVE DISPLAY OF THE FLAG OF HAWAII OVER STATE BUILDINGS ON JANUARY 17 OF EACH YEAR," was deferred until Monday, April 6, 2015.

Senator Dela Cruz, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 1286) recommending that S.C.R. No. 39 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1286 and S.C.R. No. 39, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ORDER THE EXCLUSIVE DISPLAY OF THE FLAG OF HAWAII OVER STATE BUILDINGS ON JANUARY 17 OF EACH YEAR," was deferred until Monday, April 6, 2015.

Senator Keith-Agaran, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1287) recommending that S.R. No. 19, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1287 and S.R. No. 19, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DRUG ENFORCEMENT ADMINISTRATION TO INITIATE RESCHEDULING PROCEEDINGS TO REMOVE MARIJUANA FROM SCHEDULE I OF THE FEDERAL CONTROLLED SUBSTANCES ACT," was deferred until Monday, April 6, 2015.

Senator Keith-Agaran, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1288) recommending that S.C.R. No. 45, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1288 and S.C.R. No. 45, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DRUG ENFORCEMENT ADMINISTRATION TO INITIATE RESCHEDULING PROCEEDINGS TO REMOVE MARIJUANA FROM SCHEDULE I OF THE FEDERAL CONTROLLED SUBSTANCES ACT," was deferred until Monday, April 6, 2015.

Senator Thielen, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1289) recommending that the Senate advise and consent to the nomination of KEKOA KALUHIWA as Deputy to the Chairperson of the Department of Land and Natural Resources, in accordance with Gov. Msg. No. 515.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1289 and Gov. Msg. No. 515 was deferred until Monday, April 6, 2015.

Senator Thielen, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1290) recommending

that the Senate advise and consent to the nominations to the Board of Land and Natural Resources of the following:

ULALIA WOODSIDE, in accordance with Gov. Msg. No. 540;

CHRISTOPHER J. YUEN, in accordance with Gov. Msg. No. 541; and

KEITH K. DOWNING, in accordance with Gov. Msg. No. 542.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1290 and Gov. Msg. Nos. 540, 541, and 542 was deferred until Monday, April 6, 2015.

Senator Keith-Agaran, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1291) recommending that H.B. No. 1090, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1291 and H.B. No. 1090, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT AGREEMENTS," was deferred until Monday, April 6, 2015.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1292) recommending that H.B. No. 269 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 269, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 6, 2015.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1293) recommending that H.B. No. 928 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 928, entitled: "A BILL FOR AN ACT RELATING TO THE CONSUMER ADVOCATE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 6, 2015.

Senator Keith-Agaran, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1294) recommending that H.B. No. 15, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 15, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 6, 2015.

## ORDER OF THE DAY

### ADVISE AND CONSENT

Stand. Com. Rep. No. 1194 (Gov. Msg. No. 517):

Senator Espero moved that Stand. Com. Rep. No. 1194 be received and placed on file, seconded by Senator Baker and carried.

Senator Espero then moved that the Senate advise and consent to the nomination of BRIGADIER GENERAL ARTHUR LOGAN as Adjutant General of the Department of Defense, term to expire December 3, 2018, seconded by Senator Baker.

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

“Thank you, Madam President, colleagues, and guests. This morning we will be voting on the confirmation of Arthur Joe Logan as the adjutant general of the Department of Defense, GM 517.

“Your PSM Committee finds that Brigadier General Logan’s background, experience, and commitment to public service qualify him for this important position. General Logan has extensive experience in the military and law enforcement with 33 years of cumulative experience. He was a member of the Honolulu Police Department for 20 years and is an officer with the Hawaii Army National Guard. As a police officer, he became a detective in the robbery detail and collaborated often with federal agencies such as the FBI, ATF, Customs, IRS, and DEA. During his 13 years in the National Guard, he was the counterdrug coordinator at the Hawaii National Guard, United States Army Commander of the Regional Police Advisory Command-Central in Afghanistan, and former chief of staff of the Hawaii Army National Guard. Since October 2013, General Logan has served as the director responsible for the operations, training, and mobilization of the Hawaii Army National Guard, overseeing an annual budget of \$26 million; developing and approving all operations, disaster response, and contingency plans; and supervising the production of situational and informational reports.

“Brigadier General Logan received a bachelor of arts degree in justice administration from Hawai’i Pacific University and a master’s degree in strategic studies from the United States Army War College. He has received numerous awards and decorations, including the Legion of Merit, the United States Army Bronze Star, United States Army Meritorious Service Medal, Army Commendation Medal, Afghanistan Campaign Medal, Global War on Terrorism Expeditionary Medal, and Humanitarian Medal. General Logan has served as the president and vice president of the Hawaii National Guard Association and has been active in the National Guard Association of the United States, Military Officers Association of America, Veterans of Foreign Wars, Association of the United States Army, and Contingency Planners of the Pacific.

“Your committee finds that Brigadier General Logan has excellent credentials and has demonstrated a high level of understanding of the state’s emergency management and homeland security needs. His years of military service, accomplishments, and leadership experience indicate that he is capable and ready to serve as the adjutant general in peacetime and during times of emergency.

“Your committee has found the nominee to be qualified for the position of adjutant general and recommends that the Senate advise and consent to this nomination.”

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

“General Logan comes from a family of service, and in particular, with the Hawaii National Guard. It is fitting that General Logan should rise to the rank of leadership. General Logan has two brothers: Stephen and Mark, who are both colonels in the Guard. And his wife, Madam President, is from my district, and her family, from North Kohala. Please join me in the advise and consent of General Logan. Thank you.”

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

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

At this time, Senator Espero introduced newly confirmed Adjutant General Arthur Logan, who was present in the gallery

with his wife, Gaylene; his son, Jordan; his brother Colonel Mark Logan and his wife, Blossom; his brother Colonel Stephen Logan and his wife, Darcie; and supporters from the Hawai’i Department of Defense.

Stand. Com. Rep. No. 1195 (Gov. Msg. No. 518):

Senator Espero moved that Stand. Com. Rep. No. 1195 be received and placed on file, seconded by Senator Baker and carried.

Senator Espero then moved that the Senate advise and consent to the nomination of COLONEL KENNETH HARA as Deputy Adjutant General of the Department of Defense, term to expire December 3, 2018, seconded by Senator Baker.

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

“Madam President, your Committee on Public Safety, Intergovernmental and Military Affairs held a public hearing on March 17 and reviewed the personal history, résumé, and statement submitted by Colonel Kenneth Hara. We found that he possesses the requisite qualifications to become deputy adjutant general of the Department of Defense.

“In fact, Madam President and colleagues, he is well-qualified for this new assignment. With more than 30 years of military service, Colonel Hara’s background and extensive military and leadership experiences include three combat deployments to Iraq and Afghanistan. He was also the lead planner of the Hawaii National Guard’s engineering civic action program that rebuilt four buildings in the Marasbaras National High School in Tacloban, Philippines.

“Colonel Hara has served as battalion commander, deputy G3 of the Hawaii National Guard, and deputy commander and commander of the 29th Infantry Brigade Combat Team. Since 2013, he has served as the Chief of the Joint Staff of the Hawaii National Guard, where he is responsible for developing, implementing, and communicating Hawaii National Guard policies; managing the Hawaii National Guard Joint Staff; advising the adjutant general regarding Hawaii National Guard training, missions, and functions; collaborating with intergovernmental groups and government officials on emergency matters; and assisting with strategic communications, strategy, plans, and execution.

“Colonel Hara received a bachelor of arts degree in human services from Hawai’i Pacific University and a master’s degree in strategic studies from the United States Army War College. He’s received numerous awards and decorations including the Legion of Merit, the Bronze Star Medal, and the Hawaii National Guard Association Field Grade Officer of the Year. Colonel Hara has also been active in his community.

“Madam President and colleagues, your Committee on Public Safety, Intergovernmental and Military Affairs found that Colonel Hara has outstanding credentials and is exceptionally well-qualified to be the state’s deputy adjutant general. His years of military service, his accomplishments and leadership experience, demonstrate that he is well-prepared to lead and support Adjutant General Arthur Logan. So Madam President, on behalf of your committee, I ask for a unanimous vote of my colleagues and that, in fact, the Senate advise and consent to Governor’s Message 518. Mahalo.”

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

“Colonel Hara is fitting, as well, and he should rise to the rank of leadership, and you must bear with me. Colonel Kenneth Hara comes from Hilo and is a graduate of Waiākea High School and a long line of career in the National Guardsmen.

“Three generations of the Haras have served our country in the National Guard and other branches of our military. Colonel Hara is one of four sons of the late Lieutenant Colonel Henry Hara, who was one of my greatest supporters in my early career in politics. Lieutenant Colonel Hara was a battalion commander in Hilo. Henry and his wife had four sons: Gary, Dennis, Larry, and Kenneth. Gary is a major general stationed at Fort Shafter with USARPAC. The second son, Dennis, is a retired command sergeant major previously assigned to Joint Forces headquarters in Honolulu. Larry is a master sergeant with the Army National Guard in Hilo. And last but not least, the fourth son, Kenneth, stands before us today nominated to be our next deputy adjutant general.

“Colonel Hara’s wife is Myoung. Kenneth’s father had two brothers: Horace and Harry Hara. Brother Horace ended his career as a colonel in the Hawaii Army National Guard. Horace’s son, Darren, was an Air Force pilot who retired as a major, and Harry’s daughter, Donna (Hara) Kim, is with the Air Guard in Hilo. Darren and Donna are first cousins of our new deputy adjutant general.

“But this is not the last of the Haras and their military careers. The younger generation is serving our country as well. Ryan Hara, son of brother Larry, is currently in the Army working with Black Hawk helicopters, and Kenneth’s son, Justin, has just completed basic training with the National Guard.

“What amazing families and how proud they must be of their legacy of service to our country and our state. I applaud you and your families, including General Logan as well, and I’m happy to stand in support of your nominations today. Thank you, Madam President; thank you, colleagues.”

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

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

At this time, Senator Baker introduced newly confirmed Deputy Adjutant General Kenneth Hara, who was accompanied in the gallery by his wife, Myoung; his brother, Major General Gary Hara; and his sister-in-law Dianne.

At 12:18 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:24 p.m. with the Vice President in the Chair.

#### **ADOPTION OF RESOLUTIONS**

##### **MATTERS DEFERRED FROM WEDNESDAY, APRIL 1, 2015**

Stand. Com. Rep. No. 1190 (S.R. No. 24, S.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.R. No. 24, S.D. 1, entitled: “SENATE RESOLUTION REQUESTING THE AHA MOKU ADVISORY COMMITTEE TO ENGAGE STAKEHOLDERS IN ORDER TO DEVELOP AND ADOPT RULES FOR ITS OPERATION AND ADMINISTRATION,” was adopted.

Stand. Com. Rep. No. 1191 (S.C.R. No. 55, S.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 55, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE AHA MOKU ADVISORY COMMITTEE TO ENGAGE STAKEHOLDERS IN ORDER TO DEVELOP AND ADOPT RULES FOR ITS OPERATION AND ADMINISTRATION,” was adopted.

Stand. Com. Rep. No. 1192 (S.C.R. No. 78, S.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 78, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII SISTER-STATE COMMITTEE TO EVALUATE AND DEVELOP RECOMMENDATIONS FOR THE INITIATION OF A SISTER-STATE RELATIONSHIP WITH THE STATE OF GOA IN THE COUNTRY OF INDIA AND FORWARD ITS RECOMMENDATION TO THE LEGISLATURE, PURSUANT TO SECTION 229-3, HAWAII REVISED STATUTES, FOR FURTHER ACTION,” was adopted.

Stand. Com. Rep. No. 1193 (S.C.R. No. 201, S.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 201, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII SISTER-STATE COMMITTEE TO EVALUATE AND DEVELOP RECOMMENDATIONS FOR THE INITIATION OF A SISTER STATE RELATIONSHIP BETWEEN THE STATE OF HAWAII AND THE PREFECTURE OF HOKKAIDO, JAPAN, AND FORWARD ITS RECOMMENDATION TO THE LEGISLATURE, PURSUANT TO SECTION 229-3, HAWAII REVISED STATUTES, FOR FURTHER ACTION,” was adopted.

At this time, Senator Baker thanked the members for their support of the Easter basket drive to benefit the Institute for Human Services.

Senator English rose to speak on a point of personal privilege as follows:

“Members, I want to thank Senator Chun Oakland for distributing the wonderful gifts on our desks, and I just have to point out that some of us got Snickers and some of us got M&M’s. For those of us who got the Snickers, if you recall the Snickers commercial where we turn into these raging animals until we eat our Snickers, can I advise everyone to please eat your Snickers and be nice over Easter. Thank you.”

Senator Gabbard rose to speak on a point of personal privilege as follows:

“I just want to correct the record: You’ll notice that I do have a tie on. I would also like to – in response to the previous speaker – I would love to enjoy my egg, but it’s been stolen by the senator from Kailua-Kona. So I would like to direct the Sergeant-at-Arms to please arrest him for theft at the close of the session today. Thank you.”

#### **ADJOURNMENT**

At 12:27 p.m., on motion by Senator Green, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Monday, April 6, 2015.