

## SEVENTH DAY

**Tuesday, January 28, 2014**

The Senate of the Twenty-Seventh Legislature of the State of Hawai'i, Regular Session of 2014, convened at 11:38 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 Sixth Day.

At this time, Senator Galuteria introduced Jeff Dayton, world renowned guitarist and musician from Nashville, Tennessee.

Senator Keith-Agaran, on behalf of Senate President Kim, rose to congratulate Shane Victorino on his many athletic achievements in major league baseball as follows:

"Thank you, Madam President. On your behalf, we Valley Islanders like to say, 'Maui nō ka 'oi,' and nowhere is that more evident than baseball, where the pride of Wailuku – and all of Hawai'i, for that matter – helped his team earn the 2013 World Series title just three months ago. I'm obviously speaking of Shane Victorino of the Boston Red Sox, who we honor today.

"Shane, who's the son of Joycelyn Victorino and Wailuku's Maui County Councilmember Mike Victorino, was an outstanding student athlete at St. Anthony. He lettered in baseball and track, earning a state championship as a sprinter.

"Drafted by a National League team located in southern California out of high school, he followed the customary path of ball players by being assigned to a number of minor league stops, making it to the show in 2003 with the San Diego Padres. Shane finally got his chance to be a regular starter in the Majors when he was signed by the Philadelphia Phillies in 2004. Since then, his professional career has been nothing short of phenomenal, as he earned a World Series title with the 2008 Phillies and two trips to the Fall Classic, picking up numerous honors for his consistent performances, including three Gold Glove Awards, two Major League Baseball All-Star Games, the 2008 Lou Gehrig Memorial Award, and the 2011 Branch Rickey Award, among others.

"Following many successful years with the Phillies, he was traded to the team that originally drafted him for a season before signing with the Boston Red Sox as a Free Agent before the 2013 season. BoSox fans must be glad that Shane signed with them, as the Red Sox returned to the postseason and Shane joined the elite few big leaguers with at least two World Series rings, as Boston won their third World Series in ten years. Shane's 2013 playoffs displayed his flair for show time hitting, including a dramatic seventh-inning grand slam in game 6 of the ALCS that enabled the team to beat the Detroit Tigers for the American League title, while his clutch bat and stellar fielding in the decisive game this series helped clinch the World Series title over the St. Louis Cardinals last October.

"Now, while Shane's accomplishments on the diamond have been abundant, they have been equally matched by his generosity and aloha. Through the Shane Victorino Foundation, he and wife Melissa are supporting educational, recreational, and other programs for underserved young people, and thereby provide a catalyst for them to live fulfilling lives and contribute to society as productive citizens.

"We're very proud to welcome Shane Victorino – known to fans as 'The Flyin' Hawaiian' – to our chambers, and to congratulate him on his many athletic achievements in Major League Baseball, to thank him for his service to our community, and for bringing great pride to the people of this state, and to

wish him continued success in his professional and personal endeavors. Shane Victorino – please join me in welcoming him.

"Seated next to Shane are his parents, Mike and Joycelyn Victorino, and in the gallery is Shane Victorino Foundation Board of Directors Member Keith Amemiya. Please stand to be recognized."

Mr. Shane Victorino shared the following remarks with the members of the Senate:

"First off, I'd like to say thank you for the honor. You know, as we all represent the State of Hawai'i, just like you guys do in these chambers, I try to do the same on the baseball field and in my community work; and to always understand where I came from and never forgetting my roots, I think, most importantly, is the way I live life every day and accomplish what I do in the game of baseball.

"And I think we all try to do the same here, coming from the special place that we call home. There's no better place in the world than the State of Hawai'i – for me, obviously being a little biased about the island of Maui. But I think, collectively, me representing the State of Hawai'i, as I said, when I walk out on the field every night I carry a little thing on my sleeve; it doesn't really show, but in my heart and in my attitude, going out there, like I said, I represent Hawai'i. So, it's truly an honor for me to be up here to be recognized by you folks who, as I said, keep everybody and everything great here in the State of Hawai'i. So, thank you guys again for having me. Thanks for having my mom and dad, and have a great day."

The Chair thanked Mr. Shane Victorino, and noted that his parents had raised him well.

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

"Madam President, I rise as a lifelong New York Yankees fan. On behalf of the entire Senate Minority, we really respect and admire Shane and his family. Shane, it's not that you try to do those things; you have done those things. You've succeeded. You bring great pride to our state and to the people here. You're a wonderful role model for our young people, and all I've got to say is I know the best is still ahead for you. Aloha and thank you for coming today."

Senator Ige rose to make the following remarks:

"As a lifelong Boston Red Sox fan, I just would be remiss if I didn't have a few comments concerning Shane Victorino. You know, I have suffered through many, many seasons with the nemesis of the Yankees spoiling the season, and I just wanted to let the members know that the Red Sox were really down in the dumps. The season before Shane joined the Red Sox was a total disaster. I thought that it would be a decade before the team would return to prominence, but I really do think it was Shane's addition and his leadership and his chemistry that the Red Sox really turned it around. I don't think anybody thought that they would win the World Series last year, and I think that Shane and the other additions to the team really made a big difference. So, I did want to congratulate Shane. His presence was more than just what he did on the field; it really is what he brought to the locker room and the whole change in chemistry on the Red Sox from infighting and complaining to really working together to win the World Series. So, congratulations, Shane."

At 11:49 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:00 p.m.

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor (Gov. Msg. Nos. 109 to 132) were read by the Clerk and were placed on file:

Gov. Msg. No. 109, dated December 23, 2013, transmitting the State Council on Mental Health's Annual Report on Implementation of the State Plan, prepared by the Department of Health pursuant to Section 334-10(E), HRS.

Gov. Msg. No. 110, dated December 23, 2013, transmitting a Report on the Primary Care Incentive Program, prepared by the Department of Health pursuant to Section 321-1.5(6), HRS.

Gov. Msg. No. 111, dated December 23, 2013, transmitting the Annual Evaluation Report on Elder Programs, prepared by the Department of Health, Executive Office on Aging, pursuant to Section 349-5(b)(2), HRS.

Gov. Msg. No. 112, dated December 23, 2013, transmitting the Annual Report on the Activities Under the Neurotrauma Special Fund, prepared by the Department of Health pursuant to Section 321H-4, HRS.

Gov. Msg. No. 113, dated December 23, 2013, transmitting the Report on the Expenditure of All Funds for the Comprehensive Breast and Cervical Cancer Control Program, prepared by the Department of Human Services and the Department of Health pursuant to Act 52, SLH 2008.

Gov. Msg. No. 114, dated December 23, 2013, transmitting the report on Research of the Time Banking Concept for Hawaii's Respite System, prepared by the Department of Health, Executive Office on Aging, pursuant to H.C.R. No. 76 (2013) and S.R. No. 77 (2013).

Gov. Msg. No. 115, dated December 23, 2013, transmitting the Stroke Task Force Initial Report, prepared by the Department of Health, pursuant to S.C.R. No. 155, S.D. 1 (2013).

Gov. Msg. No. 116, dated December 26, 2013, transmitting the Detailed Report on the Expenditure and Use of Funds and Performance Outcomes for the Funds Appropriated to Assist in the Development of the Hawaii Health Information Exchange, prepared by the Department of Health pursuant to Act 134, SLH 2013.

Gov. Msg. No. 117, dated December 26, 2013, transmitting the State Water Pollution Control Revolving Fund Report, prepared by the Department of Health pursuant to Section 342D-82, HRS.

Gov. Msg. No. 118, dated December 26, 2013, transmitting the Report of the Task Force on Mobility Management, prepared by the Department of Health pursuant to Act 214, SLH 2013.

Gov. Msg. No. 119, dated December 30, 2013, transmitting the report Regarding the Motion Picture, Digital Media and Film Production Income Tax Credit, prepared by the Department of Business, Economic Development and Tourism pursuant to Act 89, SLH 2009.

Gov. Msg. No. 120, dated December 30, 2013, transmitting the State of Hawaii Offices in Taiwan and Beijing Annual Report, prepared by the Department of Business, Economic Development and Tourism pursuant to Section 201-84, HRS.

Gov. Msg. No. 121, dated December 30, 2013, transmitting the report, "Options for the Establishment of a Koreatown in the City and County of Honolulu," prepared by the Office of Planning, Department of Business, Economic Development and Tourism pursuant to H.C.R. No. 169 (2012).

Gov. Msg. No. 122, dated December 30, 2013, transmitting the Hawaii Targeted and Emerging Industries 2013 Update Report, prepared by the Department of Business, Economic Development and Tourism pursuant to Section 201-19(b), HRS.

Gov. Msg. No. 123, dated December 30, 2013, transmitting the Working Group Findings and Recommendations on Time and Cost of Shipping Goods To and From Molokai, Lanai, and Hana, Maui Report, prepared by the Department of Business, Economic Development and Tourism pursuant to H.C.R. No. 204, H.D. 1, S.D. 1 (2013).

Gov. Msg. No. 124, dated December 30, 2013, transmitting the Annual Report on the Antitrust Trust Fund, prepared by the Department of the Attorney General pursuant to Section 28-13(d), HRS.

Gov. Msg. No. 125, dated December 30, 2013, transmitting the Report on the Implementation of the Labor Trafficking Laws, prepared by the Department of the Attorney General pursuant to Act 146, SLH 2011.

Gov. Msg. No. 126, dated December 30, 2013, transmitting the Annual Report on Recommendations for Denial of Claims for Legislative Relief, prepared by the Department of the Attorney General pursuant to Section 37-77, HRS.

Gov. Msg. No. 127, dated December 30, 2013, transmitting the Report on Creating an Efficient Tracking Method for Deoxyribonucleic Acid (DNA) Rape Kits, prepared by the Department of the Attorney General pursuant to H.C.R. No. 99, H.D. 1 (2012).

Gov. Msg. No. 128, dated December 30, 2013, transmitting the Annual Report on Litigation Deposits Trust Fund Transactions and Collections Made on Behalf of Other Departments and Agencies, prepared by the Department of the Attorney General pursuant to Section 28-16, HRS.

Gov. Msg. No. 129, dated December 30, 2013, transmitting the Annual Report on the Number of Pen Register Orders and Orders for Tap and Trace Devices Applied for by Law Enforcement Agencies of the State, prepared by the Department of the Attorney General pursuant to Section 803-47(c), HRS.

Gov. Msg. No. 130, dated December 30, 2013, transmitting the Report on the Use of the Hawaii Omnibus Criminal Forfeiture Act, prepared by the Department of the Attorney General pursuant to Section 712A-16(6), HRS.

Gov. Msg. No. 131, dated December 30, 2013, transmitting the Annual Report on the Tobacco Enforcement Special Fund, prepared by the Department of the Attorney General pursuant to Section 28-15(d), HRS.

Gov. Msg. No. 132, dated December 30, 2013, transmitting the Annual Report on Goals and Objectives, prepared by the Department of the Attorney General pursuant to Act 100, SLH 1999, as amended by Act 154, SLH 2005.

**DEPARTMENTAL COMMUNICATIONS**

The following communications (Dept. Com. Nos. 38 and 39) were read by the Clerk and were placed on file:

Dept. Com. No. 38, from the University of Hawai'i dated November 7, 2013, transmitting the Annual Report of University Revenue Bonds Issued FY2013 pursuant to Section 304A-2689, HRS

Dept. Com. No. 39, from the University of Hawai'i dated December 11, 2013, transmitting the Annual Report on University of Hawai'i Uncollectible Accounts pursuant to Section 40-82, HRS

**HOUSE COMMUNICATIONS**

The following communications from the House (Hse. Com. Nos. 4 to 6) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 4, transmitting H.B. No. 570, which passed Third Reading in the House of Representatives on January 27, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 570, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed First Reading by title and was deferred.

Hse. Com. No. 5, transmitting H.B. No. 611, H.D. 1, which passed Third Reading in the House of Representatives on January 27, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 611, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TANNING," passed First Reading by title and was deferred.

Hse. Com. No. 6, transmitting H.B. No. 1072, H.D. 1, which passed Third Reading in the House of Representatives on January 27, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 1072, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII," passed First Reading by title and was deferred.

**ORDER OF THE DAY****MISCELLANEOUS COMMUNICATION**

The following communication (Misc. Com. No. 5) was read by the Clerk and was placed on file:

Misc. Com. No. 5, from University Health Alliance dated January 14, 2014, transmitting the Report Relating to Prescription Drugs pursuant to Act 226, SLH 2013.

At this time, Senator Thielen rose to make the following remarks:

"Thank you, Madam President. I would like to request that the Senate adjourn on a rising vote and observe a moment of silence in honor and memory of Pete Seeger, who passed away yesterday.

"Pete Seeger is a very famous folk singer and he started the careers of many people in the next generation, but he was also known for his liberal politics, environmentalist positions, and protesting against the wars in Vietnam and Iraq.

"A lesser-known fact may be how much he risked in standing for his political convictions. He was sentenced for refusing to testify in Congress about his time in the Communist Party; and although that case was dismissed later, the controversy shattered his career. He was barred from network TV for 17 years.

"Pete Seeger was known as America's tuning fork, and his songs captured the essence and beauty of this country. So I'd like to also ask to enter some words in the record honoring Pete Seeger. Thank you."

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

"Pete Seeger, who helped create the modern American folk music movement and co-wrote some of its most enduring songs such as 'If I Had a Hammer,' died on Monday at the age of 94.

"Seeger, a Woody Guthrie protégé whose songwriting credits included folk classics 'Where Have All the Flowers Gone' and 'Turn! Turn! Turn!'.

"Seeger also was known for his liberal politics, working as an environmentalist, protesting against wars from Vietnam to Iraq and being sentenced to prison for refusing to testify to Congress about his time in the Communist Party. The case was dismissed years later.

"The controversy shattered Seeger's career. He continued to record and make concert appearances but was barred from network TV for 17 years.

"By the early 1960s, he had returned to performing at schools and colleges and came to view the blacklist as a blessing in disguise: He was showing 'a whole generation of young people you didn't need to depend on the commercial world to make a living.'

"When he finally returned to television in 1967 on *The Smothers Brothers Comedy Hour* on CBS, his antiwar song, 'Waist Deep in the Big Muddy,' was censored. But after his performance was broadcast the next year, it was credited with helping to cement public opinion against the war.

"Gifted at connecting with audiences, Seeger called his ability to inspire regular folks to sing along his 'cultural guerrilla tactic.' 'There's no such thing as a wrong note as long as you're singing it,' he told the 15,000-strong crowd at his birthday celebration.

"Seeger's life of music and political activism could be summed up in 'The Hammer Song,' the enduring anthem he wrote more than 60 years ago with his good friend Lee Hays to support the progressive political movement in the U.S.

"Popularized by Peter, Paul and Mary in the 1960s, the song embodied the heart of Seeger: his musicality, his activism, his optimism and his lifelong belief that songs could and should be used to build a sense of community to make the world a better place.

"'Pete is America's tuning fork,' author and oral historian Studs Terkel once said. 'His songs capture the essence and beauty of this country.'"

Senator Kidani rose to make the following remarks:

"Thank you, Madam President. Colleagues, as we rise and adjourn, I would like you also to remember astronaut Ellison Onizuka and the *Challenger* tragedy that happened 28 years ago. I had the pleasure of being at the Challenger Center this morning with his brother Claude and students, so thank you very much."

**ADJOURNMENT**

At 12:04 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Wednesday, January 29, 2014, on a rising vote to observe a moment of silence for folk singer and activist Pete Seeger and the crew of the Space Shuttle *Challenger* including Hawai'i astronaut Ellison Onizuka.