

## ELEVENTH DAY

Monday, February 3, 2014

The Senate of the Twenty-Seventh Legislature of the State of Hawai'i, Regular Session of 2014, convened at 11:32 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 Tenth Day.

At this time, Senator Tokuda introduced her eldest son, Matt Michibata, a kindergartener at Kāne'ohē Elementary School.

Senator Chun Oakland, on behalf of Senate President Kim and Senator Taniguchi, congratulated Kristen Kaulia, award recipient in the National Foundation for Women Legislators NRA Bill of Rights Essay Scholarship Contest, and presented the following remarks:

"It's always a source of great pride when we can honor our young people for their accomplishments. We've recognized athletes who have won championships, teens who have demonstrated great courage, youth who contribute to our community through scholarship or volunteer service, and other young people who are doing remarkable things.

"But it's a special treat when we can recognize one of our young people who has been recognized nationally for her achievements. That person is Kristen Kaulia, a senior at Roosevelt High School. Kristen was one of six winners from across the nation who were selected to receive an award in the National Foundation of Women Legislators and the National Rifle Association's Annual Bill of Rights Scholarship Essay Contest. That award was a \$3,000 scholarship to college and an all-expenses paid trip to Washington, D.C., for the foundation's annual convention last November. And I need to acknowledge the Senate President for accompanying her to this special event. The NFWL, by the way, supports leadership development and effective governance through conferences, education, networking, and other programs at all levels of government.

"The essay contest, which has just observed its sixteenth anniversary, gives female juniors and seniors in high school an opportunity to expound on a current issue as it involves the Constitution and the Bill of Rights.

"Kristen is a remarkable student; she is the chapter president of the Health Occupation Students of America, a second lieutenant in the JROTC, a captain of the Rough Rider varsity air riflery team, and a freshman mentor. Kristen's proudest accomplishment to date was her involvement in the Partnership in Unlimited Educational Opportunities – or PUEO – Program. Her elementary school principal nominated her to this program while she was a fifth grader so she could experience a college-level learning environment during the summers. As a PUEO scholar for the past seven years, Kristen believes that the program helped her grow as an individual while inspiring her to pursue a college degree.

"I know we'll be hearing a lot more about and from Kristen in the years to come, and I hope we can someday welcome her back to these chambers as a leader of our state and nation. Whatever her path in life, we know it will be successful and fulfilling, and we wish her the very best.

"On behalf of you, Madam President, Senator Taniguchi, and all of my Senate colleagues, I would like to congratulate Kristen on this most recent accomplishment.

"I would also like to introduce Principal of Roosevelt High School Jeanette Uyeda and Counselor Dana Kaneshiro."

At 11:37 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:45 a.m.

Senator Baker, on behalf of the Maui senators, introduced Tony Krieg, president of Hale Makua Health Services from Wailuku.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 10 and 11) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 10, transmitting H.B. No. 452, H.D. 1, which passed Third Reading in the House of Representatives on January 31, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 452, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION FRAUDS," passed First Reading by title and was deferred.

Hse. Com. No. 11, transmitting H.C.R. No. 29, which was adopted by the House of Representatives on January 31, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.C.R. No. 29, entitled: "HOUSE CONCURRENT RESOLUTION AWARDING THE HAWAII MEDAL OF HONOR TO UNITED STATES MILITARY SERVICE MEMBERS WITH HAWAII CONNECTIONS KILLED IN ACTION WHILE SERVING IN DANGEROUS, VOLATILE, AND UNSTABLE AREAS OF THE WORLD, INCLUDING IRAQ AND AFGHANISTAN," was adopted.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 31 to 33) were read by the Clerk and were deferred:

S.C.R. No. 31 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE LICENSURE AND REGULATION OF HERBAL THERAPISTS."

Offered by: Senators Chun Oakland, Shimabukuro, Baker, Ihara.

S.C.R. No. 32 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND DEPARTMENT OF EDUCATION TO ADOPT ADDITIONAL ELEMENTS FOR ITS EXISTING SEXUALITY HEALTH EDUCATION PROGRAMS, MAKE THE SEXUALITY HEALTH EDUCATION CURRICULA AVAILABLE TO THE PUBLIC, ALLOW PARENTS TO REQUEST THAT THEIR CHILDREN NOT RECEIVE SEXUALITY HEALTH EDUCATION, AND ESTABLISH MINIMUM EDUCATION AND TRAINING REQUIREMENTS FOR SEXUALITY HEALTH EDUCATION TEACHERS."

Offered by: Senators Chun Oakland, Baker, Galuteria, Ige, Keith-Agaran, Kidani, Kim, Ruderman, Shimabukuro, Thielen.

S.C.R. No. 33 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO CONDUCT A STUDY OF THE FEASIBILITY OF IMPLEMENTING A PLAN THAT WILL ALLOW STUDENTS TO PAY A FIXED PERCENTAGE OF THEIR INCOME FOR A SET NUMBER

OF YEARS AFTER GRADUATION RATHER THAN PAY TUITION WHILE ATTENDING SCHOOL.”

Offered by: Senators Chun Oakland, Baker,  
Galuteria, Keith-Agaran, Kidani,  
Ruderman, Shimabukuro, Thielen.

#### SENATE RESOLUTION

The following resolution (S.R. No. 11) was read by the Clerk and was deferred:

S.R. No. 11 “SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION TO REPORT ON THE STATUS OF SEXUALITY HEALTH EDUCATION PROGRAMS IN PUBLIC SCHOOLS AND THE FEASIBILITY OF DEVELOPING A UNIFORM, MANDATORY SEXUALITY HEALTH EDUCATION PROGRAM FOR ALL PUBLIC SCHOOL STUDENTS.”

Offered by: Senators Chun Oakland, Baker,  
Galuteria, Ige, Keith-Agaran, Kidani,  
Kim, Ruderman, Shimabukuro.

#### STANDING COMMITTEE REPORTS

Senator Hee, for the majority of the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 2036) recommending that S.B. No. 2073 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2073, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the majority of the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 2037) recommending that S.B. No. 2074 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2074, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the majority of the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 2038) recommending that S.B. No. 2075 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2075, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the majority of the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 2039) recommending that S.B. No. 1065, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 1065, S.D. 1, entitled: “A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 2040) recommending that S.B. No. 2246, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2246, S.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2041) recommending that S.B. No. 2076 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2076, entitled: “A BILL FOR AN ACT RELATING TO UNLICENSED CONTRACTOR FRAUD,” passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2042) recommending that S.B. No. 2825 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2825, entitled: “A BILL FOR AN ACT RELATING TO MORTGAGE RESCUE FRAUD,” passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Green and Baker, for the Committee on Health and the Committee on Commerce and Consumer Protection, presented a joint report (Stand. Com. Rep. No. 2043) recommending that S.B. No. 2192 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2192, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Green and Baker, for the Committee on Health and the Committee on Commerce and Consumer Protection, presented a joint report (Stand. Com. Rep. No. 2044) recommending that S.B. No. 2352, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2352, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PSYCHIATRIC FACILITIES,” passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2045) recommending that S.B. No. 2250, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2250, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHARITABLE SOLICITATION,” passed

Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 2046) recommending that S.B. No. 2026, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2026, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 5, 2014.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 2047) recommending that S.B. No. 2072 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2072, entitled: "A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 4, 2014.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 2048) recommending that S.B. No. 2128 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2128, entitled: "A BILL FOR AN ACT RELATING TO THE RETENTION OF BIOLOGICAL EVIDENCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 4, 2014.

#### **ORDER OF THE DAY**

##### **SECOND READING**

Stand. Com. Rep. No. 2035 (S.B. No. 2136, S.D. 1):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2136, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 4, 2014.

##### **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., Tuesday, February 4, 2014.