

FOURTEENTH DAY

Thursday, February 6, 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 Thirteenth Day.

At this time, Senator Espero celebrated the distinguished career and service of Stanford Yuen, and presented the following remarks:

"The special relationship shared between the United States Navy and the State of Hawai'i has been strengthened by the work of numerous individuals throughout our state's history. Behind the scenes at Pearl Harbor are many hardworking individuals who go unnoticed by the public. The Navy and our state have been fortunate to have such a man building a bridge between the federal, state, and county voices, ensuring that the mission continues. Today, this body recognizes and honors the services and career of Mr. Stanford Yuen.

"Mr. Yuen graduated from the University of Hawai'i with a degree in mechanical engineering and has master's degrees from USC and Pepperdine University. He began his career in 1966, as a design engineer for Boeing Aircraft in Seattle, Washington and later on with Lockheed Corporation and Litton Industries. Stanford moved on from the aerospace industry and excelled in the business sector as a stockbroker with Dean Witter & Company in San Francisco. In 1975, Stanford took his years of technical experience with him and made the leap to public service. He took on roles leading the Industrial Engineering Division at Hickam Air Force Base from 1978 to 1982, head of Public Works Support Branch from 1986 to 1993, and chief of staff for Facilities and Environment in 1998.

"Stanford's distinguished engineering career allowed him to work on projects in Hawai'i, Singapore, Diego Garcia, Midway Island, and the Philippines. In 2001, Stanford became the special assistant and senior advisor to the Admiral at Pearl Harbor. The responsibility that came along with this position challenged Stanford to utilize his years of business, technical, and managerial experience to ensure that the private sector, federal, state, county, and other stakeholders were able to work together.

"The honors and accolades bestowed upon Stanford include Hawai'i's 1998 Engineer of the Year Award; Meritorious Service Awards in 1996, 2006, 2009, and 2011; Federal Manager of the Year - Hawai'i in 1980; and being the highest-ranking Chinese American civilian employee in the Pacific command. His most recent award is the Lifetime Achievement Award in Engineering by the Hawaii Council of Engineering Societies.

"Stanford remains proud of his many achievements in the community, volunteering for countless organizations. He remains actively involved in many Chinese organizations including the United Chinese Society and the Downtown Neighborhood Board. Stanford is also active with the Hawai'i Business Roundtable, Lions Club of Honolulu, and Hawai'i Chamber of Commerce. Last year, the United Chinese Society of Hawaii recognized the hard work that Stanford has done for the Chinese community and the community as a whole by naming him the Model Citizen of the Year.

"Joining him today is his wife, Lynette. Colleagues, let's welcome Stanford Yuen and Lynette. Congratulations on your achievements."

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

The Senate reconvened at 11:42 a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 189 and 190) were read by the Clerk and were placed on file:

Gov. Msg. No. 189, letter dated January 31, 2014, as provided in Section 9, Article VII, of the Constitution of the State of Hawai'i, requesting the immediate consideration and passage of S.B. No. 2855, which makes an emergency appropriation to the Department of Health, Developmental Disabilities Division, for ongoing services.

Gov. Msg. No. 190, letter dated January 31, 2014, as provided in Section 9, Article VII, of the Constitution of the State of Hawai'i, requesting the immediate consideration and passage of S.B. No. 2866, which makes an emergency appropriation to support the functions of the Hawaii Health Systems Corporation.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 63 to 65) were read by the Clerk and were placed on file:

Dept. Com. No. 63, from the Public Utilities Commission dated January 21, 2014, transmitting its Decision and Order No. 31810 regarding the application of Hawaii Water Service Company, Inc. for a general rate increase for its Pukalani Wastewater District pursuant to Section 269-16, HRS.

Dept. Com. No. 64, from the Office of the Ombudsman dated January 22, 2014, transmitting its Annual Report on Leave Sharing Program.

Dept. Com. No. 65, from the Hawaii State Ethics Commission dated January 24, 2014, transmitting its Annual Report on Leave Sharing Program.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 18 to 22) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 18, transmitting H.B. No. 1903, H.D. 1, which passed Third Reading in the House of Representatives on February 5, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 1903, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OUTDOOR HERITAGE MONTH," passed First Reading by title and was deferred.

Hse. Com. No. 19, transmitting H.B. No. 2248, H.D. 1, which passed Third Reading in the House of Representatives on February 5, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 2248, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF THE ATTORNEY GENERAL," passed First Reading by title and was deferred.

Hse. Com. No. 20, transmitting H.B. No. 2281, which passed Third Reading in the House of Representatives on February 5, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 2281, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE OFFICE OF THE GOVERNOR," passed First Reading by title and was deferred.

Hse. Com. No. 21, transmitting H.B. No. 2353, which passed Third Reading in the House of Representatives on February 5, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 2353, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR SECURITY AT HONOLULU INTERNATIONAL AIRPORT," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 22, transmitting H.B. No. 2650, H.D. 1, which passed Third Reading in the House of Representatives on February 5, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 2650, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, THE OMBUDSMAN, AND THE ETHICS COMMISSION," passed First Reading by title and was referred to the Committee on Ways and Means.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2085) recommending that S.B. No. 2386, 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. 2386, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALES ADVERTISEMENTS FOR STOLEN PROPERTY," 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. 2086) recommending that S.B. No. 2817, 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. 2817, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT," 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. 2087) recommending that S.B. No. 2482 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. 2482, entitled: "A BILL FOR AN ACT RELATING TO ASSOCIATION ALTERNATIVE POWER OF SALE FORECLOSURE PROCESS," 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. 2088) recommending that S.B. No. 2483 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. 2483, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM ASSOCIATIONS," 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. 2089) recommending that S.B. No. 2123, 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. 2123, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," 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. 2090) recommending that S.B. No. 2261, 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. 2261, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAGES AND HOURS ON PUBLIC WORKS," passed Second Reading and was referred to the Committee on Ways and Means.

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. 2091) recommending that S.B. No. 2351, 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 joint report of the Committees was adopted and S.B. No. 2351, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDHOOD OBESITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2092) recommending that S.B. No. 2181 pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2181, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE PORTFOLIO STANDARDS," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senators Taniguchi and Nishihara, for the Committee on Higher Education and the Committee on Agriculture, presented a joint report (Stand. Com. Rep. No. 2093) recommending that S.B. No. 2039 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 joint report of the Committees was adopted and S.B. No. 2039, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES COOPERATIVE EXTENSION SERVICE,"

passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Espero, for the Committee on Human Services and the Committee on Public Safety, Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 2094) recommending that S.B. No. 2308 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 joint report of the Committees was adopted and S.B. No. 2308, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2095) recommending that S.B. No. 2542 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. 2542, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF THE CONVEYANCE TAX COLLECTIONS TO THE RENTAL HOUSING TRUST FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2096) recommending that S.B. No. 2318, 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. 2318, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARENTAL RIGHTS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Chun Oakland and Espero, for the Committee on Human Services and the Committee on Public Safety, Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 2097) recommending that S.B. No. 2420, 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. 2420, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR STATE AND COUNTY EMPLOYEES," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Chun Oakland and Espero, for the Committee on Human Services and the Committee on Public Safety, Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 2098) recommending that S.B. No. 2540, 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 joint report of the Committees was adopted and S.B. No. 2540, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," 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. 2099) recommending that S.B. No. 3038 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. 3038, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII LABOR RELATIONS BOARD," passed Second Reading and was placed on the calendar for Third Reading on Friday February 7, 2014.

ORDER OF THE DAY

THIRD READING

S.B. No. 2249, S.D. 1:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 2249, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2253, S.D. 1:

Senator Hee moved that S.B. No. 2253, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Shimabukuro.

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

"While I certainly support the intent of the bill, I think that the bill is overreaching and, I think, has some very serious consequences, creating a class C felony in one case and a misdemeanor in another for possible negligence. I think that what we're seeing is the ever-increasing incursions by government in requiring information from people, whether it is personal information or whether it's physical information. In the case of crimes, we're already covered if we're talking about serious crimes, but in this case we're talking about not giving up blood samples or others in the case of a person who has already been identified but in which case the DNA is not going to be an important part of the identification and arrest process. It is for the law enforcement officials, really, to investigate further for a conviction.

"So, I think that we're on a road of losing even more of our personal rights. I'm a little surprised that the ACLU did not weigh in, nor the public defender, in this particular case, but I'll be voting 'no.' Thank you."

The motion was put by the Chair and carried, S.B. No. 2253, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORENSIC IDENTIFICATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 2819:

On motion by Senator Baker, seconded by Senator Taniguchi and carried, S.B. No. 2819, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

REFERRAL OF HOUSE BILLS

The President made the following committee assignments of House bills received on Monday, February 3, 2014; and Tuesday, February 4, 2014:

H.B. No.: Referred to:

H.B. No. 195, H.D. 1 Committee on Judiciary and Labor

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- H.B. No. 452, H.D. 1 Committee on Judiciary and Labor
- H.B. No. 979, H.D. 2 Jointly to the Committee on Transportation and International Affairs and the Committee on Judiciary and Labor, then to the Committee on Ways and Means
- H.B. No. 1341 Committee on Judiciary and Labor
- H.B. No. 1650 Committee on Judiciary and Labor
- H.B. No. 1660, H.D. 1 Committee on Judiciary and Labor

**REFERRAL OF
SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of Senate concurrent resolutions offered on Monday, February 3, 2014:

- S.C.R. No.: Referred to:
- S.C.R. No. 31 Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means
- S.C.R. No. 32 Jointly to the Committee on Education and the Committee on Health, then to the Committee on Judiciary and Labor
- S.C.R. No. 33 Committee on Higher Education, then to the Committee on Ways and Means

REFERRAL OF A SENATE RESOLUTION

The President made the following committee assignments of a Senate resolution offered on Monday, February 3, 2014:

- S.R. No.: Referred to:
- S.R. No. 11 Jointly to the Committee on Education and the Committee on Health, then to the Committee on Ways and Means

ADJOURNMENT

At 11:46 a.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Friday, February 7, 2014.