

FIFTEENTH DAY

Friday, February 7, 2014

The Senate of the Twenty-Seventh Legislature of the State of Hawai'i, Regular Session of 2014, convened at 11:39 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 Fourteenth Day.

At this time, Senator Chun Oakland introduced members of the Boy Scouts of America Aloha Council who were celebrating their 104th anniversary of scouting in Hawai'i. Senator Chun Oakland noted that the Boy Scouts of America Aloha Council has been mentoring, encouraging, and preparing Hawai'i's youth to become responsible and participating citizens through scouting since 1910, and currently has a membership of over 12,000 young men and women from Hawai'i, Guam, American Samoa, the Marianas, Marshall Islands, Micronesia, and Palau. Representing the Boy Scouts of America Aloha Council were: Cyrus Ni'i, 9-year-old Bear Scout, and his parents, Sheri and Darren; Logan Klepal, 12-year-old First Class Scout, and his mom, Sara; William Coppernoll, 13-year-old First Class Scout; Nicholas Coppernoll, 11-year-old Tenderfoot Scout; Josiah Gleisner, 13-year-old First Class Scout; Kai Gleisner, 11-year-old First Class Scout; Taylor Omuro, 16-year-old Venture Scout; Noah Hemming, 10-year-old Webelos Scout, and his mom, Nancy; Harvey Chu, 9-year-old Webelos Scout, and his dad, Herbert; Alex Parks, 9-year-old Webelos Scout, and his mom, Maggie; and Aloha Council administrators Joanne Pettaway and Jeff Sulzbach and Board Member Audrey Hidano.

Senator Chun Oakland also welcomed the HCAP Head Start Parents who were visiting the Capitol to converse with civic leaders as part of the Parent Leadership Academy. Representing HCAP Head Start were Chair Jeselle Bassingthwaite of Salt Lake Pre Plus, Vice Chair Latonya Paulino of Waikale Elementary School, Secretary Kara Quinata of Lanakila Elementary School, Director of HCAP Head Start Lynn Cabato, and HCAP Head Start site managers and family advocates.

MESSAGE FROM THE GOVERNOR

The following message from the Governor (Gov. Msg. No. 191) was read by the Clerk and was placed on file:

Gov. Msg. No. 191, letter dated January 28, 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. 2903, which makes an emergency appropriation for security at the Honolulu International Airport.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 23 to 27) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 23, transmitting H.B. No. 1181, H.D. 2, which passed Third Reading in the House of Representatives on February 6, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 1181, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE," passed First Reading by title and was deferred.

Hse. Com. No. 24, transmitting H.B. No. 1420, H.D. 1, which passed Third Reading in the House of Representatives on February 6, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 1420, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE ANIMALS," passed First Reading by title and was deferred.

Hse. Com. No. 25, transmitting H.B. No. 1845, which passed Third Reading in the House of Representatives on February 6, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 1845, entitled: "A BILL FOR AN ACT RELATING TO JURY TRIAL," passed First Reading by title and was deferred.

Hse. Com. No. 26, transmitting H.B. No. 1846, which passed Third Reading in the House of Representatives on February 6, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 1846, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURT JURISDICTION," passed First Reading by title and was deferred.

Hse. Com. No. 27, transmitting H.B. No. 2539, which passed Third Reading in the House of Representatives on February 6, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 2539, entitled: "A BILL FOR AN ACT RELATING TO SAINT MARIANNE COPE DAY," passed First Reading by title and was deferred.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 35) was read by the Clerk and was deferred:

S.C.R. No. 35 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE INFERTILITY PROCEDURE COVERAGE."

Offered by: Senator Shimabukuro.

STANDING COMMITTEE REPORTS

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2100) recommending that S.B. No. 2195, 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. 2195, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," 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. 2101) recommending that S.B. No. 2269, 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. 2269, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the majority of the Committee on Commerce and Consumer Protection, presented a report (Stand.

Com. Rep. No. 2102) recommending that S.B. No. 2810 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. 2810, entitled: "A BILL FOR AN ACT RELATING TO THE ONE CALL CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 2103) recommending that S.B. No. 2302 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. 2302, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 2104) recommending that S.B. No. 2303 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. 2303, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS PERMIT FEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 2105) recommending that S.B. No. 2305 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. 2305, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 2106) recommending that S.B. No. 2307 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. 2307, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 2107) recommending that S.B. No. 2583 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. 2583, entitled: "A BILL FOR AN ACT RELATING TO THE PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION SYSTEMS AND NATIONAL AERONAUTICS AND SPACE ADMINISTRATION LASER COMMUNICATIONS GROUND STATION INITIATIVE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 2108) recommending that S.B. No. 2584 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. 2584, entitled: "A BILL FOR AN ACT RELATING TO THE PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION SYSTEMS' PLANETARY SUSTAINABILITY TECHNOLOGIES INITIATIVE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 2109) recommending that S.B. No. 2605 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. 2605, entitled: "A BILL FOR AN ACT RELATING TO CIVIL AIR PATROL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 2110) recommending that S.B. No. 2585, 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. 2585, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION SYSTEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2111) recommending that S.B. No. 2518, 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. 2518, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2112) recommending that S.B. No. 2826 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. 2826, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2113) recommending that S.B. No. 2975 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. 2975, entitled: "A BILL FOR AN ACT RELATING TO EARLY LEARNING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2114) recommending that S.B. No. 2869, 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. 2869, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVACY OF HEALTH CARE INFORMATION," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Hee, for the majority of the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 2115) recommending that S.B. No. 2816, 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. 2816, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO SUPPORT UNIVERSITY OF HAWAII COLLECTIVE BARGAINING COSTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators English and Espero, for the Committee on Transportation and International Affairs and the Committee on Public Safety, Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 2116) recommending that S.B. No. 2589, 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. 2589, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT," 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. 2117) recommending that S.B. No. 2197, 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. 2197, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2118) recommending that S.B. No. 3023, 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. 3023, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR RESEARCH, DEVELOPMENT, AND MARKETING OF THE ULU BREADFRUIT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Nishihara and Baker, for the Committee on Agriculture and the Committee on Commerce and Consumer Protection, presented a joint report (Stand. Com. Rep. No. 2119) recommending that S.B. No. 2913 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. 2913, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 2120) recommending that S.B. No. 2615, 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. 2615, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DNA COLLECTION FOR VIOLENT CRIMES," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Espero and Dela Cruz, for the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Economic Development, Government Operations and Housing, presented a joint report (Stand. Com. Rep. No. 2121) recommending that S.B. No. 2581, 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. 2581, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUILDING CODE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the majority of the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 2122) recommending that S.B. No. 172, as amended in S.D. 1, be recommitted to the Committee on Transportation and International Affairs.

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. 172, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," was recommitted to the Committee on Transportation and International Affairs.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 2123) recommending that S.B. No. 2300, 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. 2300, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 10, 2014.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2124) recommending that S.B. No. 2048, 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. 2048, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION SYSTEMS," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 10, 2014.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2125) recommending that S.B. No. 2484 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. 2484, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 10, 2014.

ORDER OF THE DAY

AGREE/DISAGREE

**MATTER DEFERRED FROM
TUESDAY, FEBRUARY 4, 2014**

S.B. No. 1015, S.D. 1 (H.D. 1):

By unanimous consent, action on S.B. No. 1015, S.D. 1 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO PRODUCTION OF RECORDS," was deferred until Monday, February 10, 2014.

THIRD READING

S.B. No. 3038:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 3038, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII LABOR RELATIONS BOARD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At this time, Senator Slom rose to speak on a point of personal privilege as follows:

"Thank you. Today we're concluding the fifteenth legislative day of our legislative session – one-quarter of the way through. We have a lot of important legislation ahead of us, but we really have not addressed what many people – many, many people – in the community have called for, and that is an expansion of the empowerment of voters and taxpayers to let the people decide in many areas. So, I would urge my colleagues, if they have not done so already, to schedule hearings on those bills and those matters that will give both a voice to people, to encourage people to register to vote, and to participate in our democracy; and also, those bills that would relieve and give partial credit to the overextension of tax burden that we have in the State of Hawai'i. Thank you, Madam President."

Senator Baker rose to share that it was Go Red for Women Day, and that some members were wearing red to acknowledge heart disease as one of the number one causes of death for women. Senator Baker also noted that heart attacks manifest themselves differently in women than in men, and urged the members to learn the warning signs of heart disease in women, monitor their diets, and encourage the women in their lives to do the same to take care of their health.

ADJOURNMENT

At 11:50 a.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Monday, February 10, 2014.