

## TWENTY-SECOND DAY

## Wednesday, February 19, 2014

The Senate of the Twenty-Seventh Legislature of the State of Hawai'i, Regular Session of 2014, convened at 11:36 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 Twenty-First Day.

At this time, Senator Espero noted that it was Military and Veterans Day at the Capitol and welcomed JROTC student volunteers from Governor Wallace Rider Farrington High School, Kaimuki High School, Leilehua High School, and Waipahu High School.

Senator Espero then introduced the following guests who were present to celebrate the sixtieth anniversary of the end of the Korean War: Herbert Schreiner and Lucio Sada Sanico of Korean War Veterans Association, Hawaii Chapter 1; Martin Pestana, 5th Regimental Combat Team; Robert Sugel, Military Order of the Purple Heart; and Jimmy Shin, Soon Lee, Jung Chae, and Albert Nakamura of Korean War Veterans Association, Aloha Chapter.

The Chair extended an additional welcome and thanks to the veterans.

Senator Espero then celebrated the sixtieth anniversary of the Laborers' International Union of North America Local 368, and presented the following remarks:

"At this time, I'd like to honor and recognize the Hawai'i Laborers' Union on their sixtieth anniversary. Let me begin with a quote from Dr. Martin Luther King, Jr.:

History is a great teacher. Now everyone knows that the labor movement did not diminish the strength of the nation but enlarged it. By raising the living standards of millions, labor miraculously created a market for industry and lifted the whole nation to undreamed-of levels of production. Those who attack labor forget these simple truths, but history remembers them.

"On the floor with us are members of the Laborers' International Union of North America Local 368, who are celebrating their sixtieth anniversary; and at this time, I'd like to introduce each of them: Business Manager and Secretary-Treasurer Peter Ganaban, President Alfonso Oliver, Vice President Joby North II, Government Relations Al Lardizabal, Auditor Joe Yaw, and Recording Secretary Toni Figueroa. Please give them a hand.

"The members of the Laborers' International Union of North America have built highways, bridges, and erected schools and hospitals around the nation. In Hawai'i, the union's Local 368 has been instrumental to the construction industry, taking part in building much of the infrastructure, buildings, and soon-to-be rail transit system. In 2014, the Laborers' International Union of North America Local 368 celebrates its sixtieth anniversary.

"On December 1, 1954, the Local 368 was chartered by the hard work and progressive beliefs of Elmo Samson; Norman Janicki, Sr.; Salvador Ambrocio; and Benjamin Saguibo. In 1955, a general laborer was paid \$1.46 an hour. In addition to the small wages, laborers had no funds to cover health and welfare, vacation, or pension benefits. A hiring hall for employment and representation was nonexistent. Some of their first members came from National Metals on Pier 35 and the Honolulu Lathing and Plastering Company.

"From those humble beginnings, the union today has grown to include over 5,000 members. The strides made by Local 368 in protecting workers' rights is proudly displayed by the minimum wage of an average laborer now at \$26.20 an hour. Local 368 prides itself on strong representation of its members and deep commitment to protecting and promoting the core values of the labor rights movement around the globe. Today, the union has representation on all major Hawaiian Islands and is led by Business Manager/Secretary-Treasurer Peter Ganaban."

At 11:44 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:49 a.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 577 to 580 and 1101) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 577, informing the Senate that on February 14, 2014, the Governor withdrew L. MARTIN JOHNSON, Gubernatorial Nominee to the Board of Naturopathic Medicine, from consideration by the Senate (Gov. Msg. No. 538), was placed on file.

Gov. Msg. No. 578, submitting for consideration and confirmation as the Director of the Department of Health, the nomination of LINDA ROSEN, term to expire December 1, 2014, was placed on file.

Gov. Msg. No. 579, submitting for consideration and confirmation as the Chief Information Officer for the Office of Information Management and Technology, the nomination of KEONE KALI, term to expire June 30, 2014, was placed on file.

Gov. Msg. No. 580, submitting for consideration and confirmation as Associate Justice to the Hawai'i Supreme Court, Gubernatorial Nominee MICHAEL D. WILSON, term to expire in ten years, was placed on file.

At 11:50 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:50 a.m.

At this time, the Chair made the following announcement:

"Gov. Msg. No. 578 is referred to the Committee on Health.

"Gov. Msg. No. 579 is referred to the Committee on Technology and the Arts.

"Gov. Msg. No. 580 is referred to the Committee on Judiciary and Labor."

Gov. Msg. No. 1101, informing the Senate that on February 18, 2014, the Governor signed into law House Bill No. 2353, S.D. 1 as Act 1, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR SECURITY AT HONOLULU INTERNATIONAL AIRPORT," was placed on file.

## DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 72 and 73) were read by the Clerk and were placed on file:

Dept. Com. No. 72, from the Office of the Auditor dated January 30, 2014, transmitting the FY2013 financial statement audit reports for the following state departments and divisions,

pursuant to Chapter 23, HRS: Hawaiian Home Lands; Transportation, Administrative Division; Hawai'i Housing Finance and Development Corporation; and Stadium Authority. Also included is the FY2011 financial statement audit report for the Employees' Retirement System.

Dept. Com. No. 73, from the Department of Education dated February 3, 2014, transmitting the Common Core State Standards Assessment in the Hawaiian Language Report pursuant to Act 134, Section 19, SLH 2013.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 36 to 41) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 36, transmitting H.B. No. 1966, H.D. 1, which passed Third Reading in the House of Representatives on February 18, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 1966, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed First Reading by title and was deferred.

Hse. Com. No. 37, transmitting H.B. No. 2071, H.D. 1, which passed Third Reading in the House of Representatives on February 18, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 2071, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOLD STAR FAMILY DAY," passed First Reading by title and was deferred.

Hse. Com. No. 38, transmitting H.B. No. 2320, H.D. 1, which passed Third Reading in the House of Representatives on February 18, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 2320, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed First Reading by title and was deferred.

Hse. Com. No. 39, transmitting H.B. No. 2560, H.D. 2, which passed Third Reading in the House of Representatives on February 18, 2014, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 2560, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CHILD CARE HOMES," passed First Reading by title and was deferred.

Hse. Com. No. 40, informing the Senate that on February 18, 2014, the House agreed to the amendments proposed by the Senate to H.B. No. 2353, and H.B. No. 2353, S.D. 1 passed Final Reading in the House of Representatives.

Hse. Com. No. 41, informing the Senate that on February 18, 2014, the House discharged all conferees to the following bills:

H.B. No. 1, H.D. 2 (S.D. 2);  
 H.B. No. 2 (S.D. 1);  
 H.B. No. 31, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 32, S.D. 1, C.D. 1;  
 H.B. No. 70, H.D. 2 (S.D. 2);  
 H.B. No. 90, H.D. 2 (S.D. 2);  
 H.B. No. 109, H.D. 3 (S.D. 2);  
 H.B. No. 115, H.D. 3 (S.D. 2);  
 H.B. No. 224, H.D. 3 (S.D. 2);  
 H.B. No. 252, H.D. 2 (S.D. 2);  
 H.B. No. 269, H.D. 1 (S.D. 2);  
 H.B. No. 321, H.D. 1 (S.D. 2);  
 H.B. No. 358, H.D. 1 (S.D. 1);  
 H.B. No. 369, H.D. 3 (S.D. 2);  
 H.B. No. 378, H.D. 1 (S.D. 2);

H.B. No. 385, H.D. 2 (S.D. 1);  
 H.B. No. 395, H.D. 2 (S.D. 2);  
 H.B. No. 399, H.D. 1 (S.D. 2);  
 H.B. No. 407, H.D. 2 (S.D. 2);  
 H.B. No. 414, H.D. 2 (S.D. 1);  
 H.B. No. 450, H.D. 1 (S.D. 2);  
 H.B. No. 473, H.D. 1 (S.D. 2);  
 H.B. No. 487, H.D. 2 (S.D. 2);  
 H.B. No. 518, H.D. 2 (S.D. 2);  
 H.B. No. 519, H.D. 1 (S.D. 1);  
 H.B. No. 622, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 634, H.D. 1 (S.D. 2);  
 H.B. No. 680, H.D. 2 (S.D. 1);  
 H.B. No. 694, H.D. 1 (S.D. 1);  
 H.B. No. 747, H.D. 1 (S.D. 1);  
 H.B. No. 799, H.D. 3 (S.D. 2);  
 H.B. No. 815, H.D. 2 (S.D. 1);  
 H.B. No. 822 (S.D. 1);  
 H.B. No. 865, H.D. 1 (S.D. 1);  
 H.B. No. 909, H.D. 2 (S.D. 2);  
 H.B. No. 914, H.D. 1 (S.D. 2);  
 H.B. No. 986, H.D. 1 (S.D. 1);  
 H.B. No. 1071, H.D. 1 (S.D. 2);  
 H.B. No. 1103, H.D. 1 (S.D. 1);  
 H.B. No. 1119, H.D. 1 (S.D. 1);  
 H.B. No. 1150, H.D. 1 (S.D. 2);  
 H.B. No. 1163 (S.D. 1);  
 H.B. No. 1164 (S.D. 1);  
 H.B. No. 1166 (S.D. 1);  
 H.B. No. 1203, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 1209, H.D. 1 (S.D. 2);  
 H.B. No. 1227, H.D. 1 (S.D. 2);  
 H.B. No. 1298, H.D. 1 (S.D. 2);  
 H.B. No. 1314, H.D. 1 (S.D. 1);  
 H.B. No. 1330, H.D. 1 (S.D. 1);  
 H.B. No. 1375 (S.D. 2);  
 H.B. No. 1392, H.D. 1 (S.D. 1);  
 H.B. No. 1419, H.D. 2 (S.D. 1);  
 H.B. No. 1481, H.D. 2 (S.D. 2);  
 H.B. No. 1483, H.D. 2 (S.D. 2);  
 S.B. No. 15, S.D. 2 (H.D. 2);  
 S.B. No. 49, S.D. 2 (H.D. 2);  
 S.B. No. 54, S.D. 1 (H.D. 1);  
 S.B. No. 66, S.D. 1 (H.D. 2);  
 S.B. No. 71, S.D. 2 (H.D. 1);  
 S.B. No. 98, S.D. 1 (H.D. 1);  
 S.B. No. 105, S.D. 2 (H.D. 1);  
 S.B. No. 199, S.D. 2 (H.D. 1);  
 S.B. No. 286, S.D. 1 (H.D. 1);  
 S.B. No. 343, S.D. 2 (H.D. 1);  
 S.B. No. 381, S.D. 2 (H.D. 2);  
 S.B. No. 391, S.D. 2 (H.D. 1);  
 S.B. No. 406, S.D. 2 (H.D. 1);  
 S.B. No. 506, S.D. 2 (H.D. 2);  
 S.B. No. 524, S.D. 1 (H.D. 1);  
 S.B. No. 573, S.D. 2 (H.D. 1);  
 S.B. No. 623, S.D. 2 (H.D. 3);  
 S.B. No. 665, S.D. 1 (H.D. 2);  
 S.B. No. 666, S.D. 2 (H.D. 2);  
 S.B. No. 668, S.D. 2 (H.D. 1);  
 S.B. No. 693, S.D. 2 (H.D. 1);  
 S.B. No. 750, S.D. 2 (H.D. 1);  
 S.B. No. 753, S.D. 2 (H.D. 1);  
 S.B. No. 803, S.D. 2 (H.D. 1);  
 S.B. No. 815, S.D. 2 (H.D. 2);  
 S.B. No. 853, S.D. 1 (H.D. 1);  
 S.B. No. 858, S.D. 1 (H.D. 3);  
 S.B. No. 873, S.D. 2 (H.D. 1);  
 S.B. No. 879, S.D. 1 (H.D. 2);  
 S.B. No. 896, S.D. 1 (H.D. 1);  
 S.B. No. 897, S.D. 1 (H.D. 1);

S.B. No. 898, S.D. 1 (H.D. 1);  
 S.B. No. 899, S.D. 1 (H.D. 1);  
 S.B. No. 901, S.D. 1 (H.D. 1);  
 S.B. No. 903, (H.D. 1);  
 S.B. No. 904, S.D. 1 (H.D. 1);  
 S.B. No. 905, S.D. 1 (H.D. 1);  
 S.B. No. 906, S.D. 1 (H.D. 1);  
 S.B. No. 907, S.D. 1 (H.D. 1);  
 S.B. No. 910, S.D. 1 (H.D. 1);  
 S.B. No. 930, S.D. 1 (H.D. 2);  
 S.B. No. 946, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 948, S.D. 1 (H.D. 1);  
 S.B. No. 965, S.D. 1 (H.D. 2);  
 S.B. No. 1010, S.D. 1 (H.D. 2);  
 S.B. No. 1057, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 1095, S.D. 2 (H.D. 2);  
 S.B. No. 1100, S.D. 1 (H.D. 1);  
 S.B. No. 1101, S.D. 2 (H.D. 1);  
 S.B. No. 1141, S.D. 2 (H.D. 2);  
 S.B. No. 1235, S.D. 2 (H.D. 1);  
 S.B. No. 1254, S.D. 1 (H.D. 1);  
 S.B. No. 1258, S.D. 1 (H.D. 1);  
 S.B. No. 1261, S.D. 2 (H.D. 1);  
 S.B. No. 1289, S.D. 2 (H.D. 1);  
 S.B. No. 1293, S.D. 1 (H.D. 1);  
 S.B. No. 1298 (H.D. 1);  
 S.B. No. 1357, S.D. 2 (H.D. 1); and  
 S.B. No. 1361, S.D. 2 (H.D. 1),

was placed on file.

**SENATE CONCURRENT RESOLUTION**

The following concurrent resolution (S.C.R. No. 41) was read by the Clerk and was deferred:

S.C.R. No. 41                   “SENATE                   CONCURRENT  
 RESOLUTION REQUESTING THE DEPARTMENT OF  
 EDUCATION AND DEPARTMENT OF HUMAN SERVICES  
 TO ASSIST WITH INCREASING VOTER REGISTRATION  
 AMONG YOUNG ADULTS.”

Offered by:           Senators Chun Oakland, Kidani,  
 Shimabukuro, Tokuda, Baker, Galuteria,  
 Thielen.

**SENATE RESOLUTION**

The following resolution (S.R. No. 16) was read by the Clerk and was deferred:

S.R. No. 16                   “SENATE                   RESOLUTION  
 REQUESTING THE DEPARTMENT OF EDUCATION AND  
 DEPARTMENT OF HUMAN SERVICES TO ASSIST WITH  
 INCREASING VOTER REGISTRATION AMONG YOUNG  
 ADULTS.”

Offered by:           Senators Chun Oakland, Kidani,  
 Shimabukuro, Tokuda, Baker, Galuteria,  
 Ruderman, Thielen.

**STANDING COMMITTEE REPORTS**

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2465) recommending that S.B. No. 2718, as amended in S.D. 1, be recommitted to the Committee on Human Services.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2718, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII CHILDREN’S TRUST FUND,” was recommitted to the Committee on Human Services.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2466) recommending that S.B. No. 2470, 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. 2470, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH CONNECTOR,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 27, 2014.

Senator Solomon, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 2467) recommending that S.B. No. 2330, 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. 2330, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE KANEOHE BAY REGIONAL COUNCIL,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 27, 2014.

Senator Solomon, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 2468) recommending that S.B. No. 2877, 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. 2877, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO USE PERMITS FOR SMALL BOAT HARBOR FACILITIES,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 27, 2014.

Senators Solomon and Gabbard, for the Committee on Water and Land and the Committee on Energy and Environment, presented a joint report (Stand. Com. Rep. No. 2469) recommending that S.B. No. 2878, 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 joint report of the Committees was adopted and S.B. No. 2878, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 27, 2014.

Senator Solomon, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 2470) recommending that S.B. No. 2879 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. 2879, entitled: “A BILL FOR AN ACT RELATING TO THE PAPA HANAUMOKUAKEA MARINE NATIONAL MONUMENT,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 27, 2014.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2471) recommending that S.B. No. 2807 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. 2807, entitled: “A BILL FOR AN ACT RELATING TO THE UNCLAIMED PROPERTY TRUST FUND,” passed

Second Reading and was placed on the calendar for Third Reading on Thursday, February 27, 2014.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2472) recommending that S.B. No. 2829, 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. 2829, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE EMERGENCY AND BUDGET RESERVE FUND," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 27, 2014.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2473) recommending that S.B. No. 2411, 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. 2411, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSIDIES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 27, 2014.

Senators Solomon, Gabbard, and Shimabukuro, for the Committee on Water and Land and the Committee on Energy and Environment and the Committee on Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2474) recommending that S.B. No. 2875 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2875, entitled: "A BILL FOR AN ACT RELATING TO THE ENDANGERED SPECIES RECOVERY COMMITTEE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 27, 2014.

Senators Solomon and Shimabukuro, for the Committee on Water and Land and the Committee on Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2475) recommending that S.B. No. 2874 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2874, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF LAND AND NATURAL RESOURCES," passed Second Reading and was placed on the calendar for Third Reading on February 27, 2014.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2476) recommending that S.B. No. 2478 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. 2478, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 27, 2014.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2477) recommending that S.B. No. 2491 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. 2491, entitled: "A BILL FOR AN ACT RELATING TO

NURSING," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 27, 2014.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2478) recommending that S.B. No. 2818 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. 2818, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE SERVICERS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 27, 2014.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2479) recommending that S.B. No. 2476, 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. 2476, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE APPRAISERS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 27, 2014.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2480) recommending that S.B. No. 2467 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. 2467, entitled: "A BILL FOR AN ACT RELATING TO PODIATRISTS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 27, 2014.

Senator Ige, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2481) recommending that S.B. No. 2841, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2481 and S.B. No. 2841, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF THE INTERIM ASSISTANCE REIMBURSEMENT SPECIAL FUND," was deferred until Thursday, February 27, 2014.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2482) recommending that S.B. No. 2308, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2482 and S.B. No. 2308, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," was deferred until Thursday, February 27, 2014.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2483) recommending that S.B. No. 2541, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2483 and S.B. No. 2541, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY HOUSING," was deferred until Thursday, February 27, 2014.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2484) recommending that S.B. No. 2348, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2484 and S.B. No. 2348, S.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO HEALTH,” was deferred until Thursday, February 27, 2014.

### ORDER OF THE DAY

#### AGREE/DISAGREE

#### MATTER DEFERRED FROM TUESDAY, FEBRUARY 18, 2014

S.B. No. 499, S.D. 1 (H.D. 2):

By unanimous consent, action on S.B. No. 499, S.D. 1 (H.D. 2), entitled: “A BILL FOR AN ACT RELATING TO PARTITION OF HEIRS PROPERTY,” was deferred until Thursday, February 27, 2014.

#### THIRD READING

S.B. No. 233:

Senator Hee moved that S.B. No. 233, having been read throughout, pass Third Reading, seconded by Senator Wakai.

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

“You know, it’s very difficult to stand up and oppose a bill whose purpose is to honor the dignity and memory of Queen Lili‘uokalani. However, I think that we have done that over and over again – honoring the queen – and I think that her record and her achievements and her accomplishments stand on their own.

“But I’m troubled by this measure. We started out with this bill last year, and it was simply a change in inscription and dates, and the bill got left by the wayside somehow, even though we had a ceremony commemorating changes at the statue last year. And now we’ve got this bill, and here’s my problem: I think that the bill goes far beyond just talking about the dignity and respect for the queen, which I have no objection to and fully support.

“This bill commits the Legislature to certain findings, and this legislator does not agree with several of those findings. Notably, the bill again uses the so-called Congressional Apology Resolution of 1993 in a way that is neither legal nor correct. We remember that when that Apology Resolution was introduced at the behest of Senator Inouye, under the presidency of William Clinton, it was made clear at the time that it was, first of all, a resolution and not a binding law. Secondly, that with that apology, then, we would not hear any more discussion about the issue of Hawaiian statehood versus sovereignty. And yet, since that period of time, since 1993, it seems that a great deal of our time has continued to be involved with sovereignty, with what happened in 1893, with what we should do.

“However, I think it’s important for the record to read what the U.S. Supreme Court decision in *Hawaii v. OHA* in 2009 had to say, and I’m quoting. The Supreme Court Justices held ‘that the Apology Resolution did not restructure the rights and obligations of the state.’ Also, ‘that there was no clear and manifest intention of Congress to cloud the title that the United States held in absolute fee and transferred to the state during admission in 1959.’ Then, in the last paragraph, ‘When a state supreme court incorrectly bases a decision on federal law, the court’s decision improperly prevents the citizens of the state from addressing the issue in question throughout the process provided by the state’s constitution.’ And here, the State Supreme Court incorrectly held that Congress, by adopting the Apology Resolution, took away from the citizens of Hawai‘i the authority to resolve an issue that is of great importance to the people of Hawai‘i.

“I mention this because 90 percent of this bill talks about the Apology Resolution and about things that happened previously,

and is not honoring Queen Lili‘uokalani. So it is more than a mere change in date; it also basically keeps alive the concept that sovereignty was never relinquished, and that has possible legal liabilities on things that happened since 1959.

“For example, transfer of lands. Would they still be considered not crown lands but sovereignty lands not belonging to the people of Hawai‘i or to the State of Hawai‘i? There could be litigation with cloud on title and other things.

“And finally, Madam President, all of us take an oath when we are elected or re-elected to support and defend the Constitution of the United States of America and the State of Hawai‘i, and I believe that the verbiage included in this bill goes far beyond that and makes us violate our pledge.

“So, by all means, let’s continue to honor, appreciate, and respect Queen Lili‘uokalani, but let’s not deal with incorrect analyses of the Congressional Apology Resolution and other matters. Thank you.”

Senator English rose to speak in support of the measure as follows:

“Madam President, members of the Senate, I have to point out an illogical statement that was previously made. You know that Hawai‘i was annexed to the United States by a joint resolution of Congress, so a joint resolution of Congress has the effect of the law. It’s called the Newlands Resolution. And to say that the Apology Resolution, as the previous speaker did, has no force of law, then his logic says that the annexation of Hawai‘i was illegal. So, it’s faulty logic because we have settled the question that a joint resolution of Congress has the force of law. Thank you, Madam President.”

Senator Galuteria rose and stated:

“Thank you, Madam President. I would like to ask that the words of the previous speaker be entered into the record as if they were my own.” (The Chair so ordered, by reference only.)

“In addition to that, I’d also like to point out to the Minority Leader that all of his words, perhaps, represent the minority party of the State of Hawai‘i, and if he wants to go on record as saying that, then we will take him at his word.

“Number two, there will be absolutely never enough reconciliation. This is but a small gesture to our queen, who was brought into her station in 1891, and, as many monarchs do, hold that title until they pass away, which was in 1917. So, we are simply trying to right another wrong against Queen Lili‘uokalani.

“And, once again, I would like to get some clarity from the Minority Leader if his particular position represents that of the minority party throughout the entire State of Hawai‘i and the United States of America. Thank you, Madam President.”

Senator Slom rose in response as follows:

“Thank you. Thank you for your questions, Majority Leader. I do not pretend to speak for anyone else, certainly not a political party or any other organization. I’m speaking as a State Senator in this body in the State of Hawai‘i. The views are my own and they represent my position. Other positions, I can’t speak for.

“Secondly, however, not to beat a dead horse or to quibble over a resolution: I would go back and commend all of you to read Senator Daniel Inouye’s statements after the passage of the Apology Resolution where he said it was a resolution, it was the feeling of the Congress, it did not have the effect of law, and it would not be used any further. Thank you.”

Senator English rose to speak in rebuttal as follows:

“You know, no matter what we call it and what we say, when a joint resolution of Congress is passed, it has the force of law. That is settled point of law. You can call it whatever you want and say anything about it, but it does have the force of law, because if it didn’t Hawai’i would not be legally annexed. The Newlands Resolution was a joint resolution of Congress, and it has the force of law. Therefore, all other joint resolutions have the force of law. It’s like our resolutions here: We can call it anything we want, but it expresses the sentiments of our body. So, no matter what you say about it, it is what it is. Thank you, Madam President.”

The motion was put by the Chair and carried, S.B. No. 233, entitled: “A BILL FOR AN ACT RELATING TO QUEEN LILIUOKALANI,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Shimabukuro).

#### RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

S.B. No.:	Re-referred to:
S.B. No. 451	Jointly to the Committee on Commerce and Consumer Protection and the Committee on Ways and Means
S.B. No. 2718, S.D. 1	Jointly to the Committee on Human Services and the Committee on Health

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

“Colleagues, as mentioned earlier by our Senate Majority Floor Leader, today is our Military Appreciation Day at the Capitol, and I would be remiss if I did not mention that on February 19, 1945 – 69 years ago – 70,000 U.S. Marines invaded the island of Iwo Jima against 18,000 Japanese soldiers. In 36 days of fighting on the island, nearly 7,000 Marines were killed. Another 20,000 were wounded. Marines captured 216 Japanese soldiers; the rest were killed in action. Twenty-seven Medals of Honor, our country’s highest military award for bravery, were awarded for action on Iwo Jima, more than any other battle in U.S. history. The average age of a Marine was 19. The iconic photograph taken by Joe Rosenthal of the flag-raising on Mount Suribachi, a flag raised by five Marines and one Navy Pharmacist’s Mate, we all know and recall as one of the most famous photographs of World War II. Among the men who fought on Iwo Jima, ‘uncommon valor was common virtue’ – Admiral Chester Nimitz. Freedom has not been free. Freedom has been paid for by blood. 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., Thursday, February 27, 2014.