

THIRTY-SECOND DAY

Friday, March 14, 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 with the exception of Senators Chun Oakland, English, Espero, and Solomon who were excused.

The President announced that she had read and approved the Journal of the Thirty-First Day.

At this time, Senator Kahele introduced Todd Belt, associate professor and chair of the Department of Political Science at the University of Hawai'i at Hilo, and head of the Political and Legislative Internship Program. Professor Belt was accompanied in the gallery by Senator Kahele's session intern, Derek Inaba.

Senator Baker introduced the following visitors who were serving as consultants to the Department of Health on improving children's oral health: Andrew Peters, associate in Children's Dental Policy at the Pew Charitable Trust; Paul Glassman, DDS, MA, MBA, professor of Dental Practice and director of Community Oral Health and director of the Pacific Center for Special Care at the University of the Pacific Arthur A. Dugoni School of Dentistry; Deb Zysman, director of Good Beginnings Alliance; and Jacee Mikulaneca, policy director for Good Beginnings Alliance. The visitors were accompanied in the gallery by Senator Baker's office manager, Janice Salcedo.

Senator Slom recognized the 2014 Hawaii Business Hall of Fame Laureates, and presented the following remarks:

"Thank you. Good morning, Madam President and colleagues. This is one of my favorite times of the year because we come up on an annual event honoring a wonderful organization and wonderful individuals, and that's Junior Achievement of Hawaii. Junior Achievement has been at the forefront of business education, nationally and in our community. The organization was formed nationally in 1919, and here in Hawai'i in 1957, and I'm proud to have been involved with the organization for many years and been a volunteer in several of its many fine programs.

"The mission is education, and to inspire young people to understand about business and the free enterprise system, and no other organization has done the job as well as JA. Also, besides the programming, in 1990, we established the JA Business Hall of Fame in Hawai'i, which now actually physically resides at the University of Hawai'i. Since that time, 70 business individuals have been recognized – both living and legacy awardees – and every year, Junior Achievement recognizes several more inductees and has an annual banquet, which will be held this evening.

"So today, we're here to honor those newest business honorees and also to honor the organization. At this time, I would like to invite the president of JA Hawaii to please stand, and that is Kimberly Canepa. With Kim is Chairman of the Board Ben Nakaoka.

"Madam President, we have some very special people up in the gallery supporting Junior Achievement and our awardees today, and I'd like to ask them to please stand. First of all, Erin Chisholm, who is an education assistant; Cid Inouye, who is the board secretary of JA; Brad Shin, member of the board; Susan Jaworowski, also a member; Fain McDaniel is the treasurer; and Reid Chung, also a board member of JA Hawaii.

"And in addition, to root on our honorees for this year, Paul Mizoguchi, Jessie Mizoguchi, and John McNamara. Now let's give them all a hand. Thank you all for coming and supporting the fine program of JA."

Senator Dela Cruz rose to present the following remarks:

"Thank you. Sherry Menor-McNamara was born in Tokyo, raised in Hilo, is a graduate of Waiakea High School, and received her BA in political science from the University of California, Los Angeles and a combined JD/MBA from the University of Hawai'i at Mānoa. She also earned a certificate in Expanding Impact in Advocacy from the Harvard Kennedy School of Executive Education. Sherry joined the Chamber of Commerce of Hawai'i in 2006 as the director of business advocacy, and in 2013, was named the first female and youngest president and CEO of the 162-year-old organization.

"Sherry was recognized as a 'Top 20 to Watch' by *Hawaii Business* magazine and a 'Top 10 to Watch' by *Pacific Business News*. She was also recognized this year as a Hawaii Business Hall of Fame Laureate. She currently serves on seven community boards and executive committees."

Senator Wakai rose to present the following remarks:

"Thank you, Madam President. I have the distinct honor of telling you how a prodigy turned into a musical legend. Jake Shimabukuro was born in Honolulu and received his first 'ukulele at the age of four from his mother, who also happened to be his first teacher. Jake is now an 'ukulele virtuoso and composer known for his blazing fast and complex finger work. Recognized nationally and internationally as an award-winning 'ukulele virtuoso, Jake won four – four – Nā Hōkū Hanohano Awards as a member of the trio Pure Heart. Their self-titled debut album was named as one of the top 50 Hawaiian music albums of all time by *Honolulu Magazine*.

"Jake began his illustrious musical career as a solo artist in 2002, and was the first Hawaiian artist to sign with Epic Records International, a division of Sony Music Japan International. He later formed his own management company, Toastman Incorporated, and a record company, Hitchhike Records, the latter securing a national U.S. distribution deal and concert tour.

"In 2013, Jake founded a nonprofit organization called Four Strings Foundation, which creates music education workshops nationwide. Their inspiring message and mission is to 'create a new opportunity for people of all ages to participate in the act of making music and to use those experiences as a vehicle to promote personal empowerment and fulfillment.'

"This morning, we honor Jake Shimabukuro as a 2014 Hawaii Business Hall of Fame Laureate. Congratulations, Jake."

Senator Slom rose to present the following remarks:

"Thank you, Madam President. Finally, we're very happy to honor real entrepreneurs, the Kamitaki and Mizoguchi family. Representing them is Wayne Kamitaki. Also, however, Lynn Ushijima, Guy Kamitaki, and Paul Mizoguchi. They are outstanding examples of excellence in free enterprise.

"You know, they started a small dry-goods store many years ago. Actually, the family started almost a century ago on Maui. They started with a single store in Kahului, and it developed into Maui Varieties, Ltd, and it became a successful franchise. But together, the families now oversee 31 stores, including 6 Ben Franklin Crafts stores, 14 Ace Hardware stores in Hawai'i,

plus another 11 Ace Hardware stores in both Asia and on the West Coast.

“They’ve given back to the community; they’ve been very active in the community. They established a \$35,000 endowed scholarship fund for undergraduate students attending the Shidler College of Business at the University of Hawai‘i at Mānoa in a spirit of community service.

“Now in 2014, the State Senate recognizes the Kamitaki and Mizoguchi families as new Hawaii Business Hall of Fame Laureates. We congratulate them and all of our winners for all of the accomplishments and the good things that they do for Hawai‘i.”

Senator Wakai, on behalf of Senate President Kim, commemorated the 125th anniversary of the Bernice Pauahi Bishop Museum, and presented the following remarks:

“Thank you, Madam President. We have a second floor presentation this morning and a number of honored guests; they hail from the Bishop Museum. The Bishop Museum has touched and enhanced countless lives. It is more than a historic landmark and repository for treasures from throughout the Pacific. This venerable institution was founded 125 years ago by Charles Reed Bishop, who named it in memory of his wife, Bernice Pauahi Bishop, the great-granddaughter of King Kamehameha I. The Bishops had been captivated by the museums they visited throughout Europe and dreamed of someday opening one right here in Hawai‘i to preserve the rich history and culture of the Native Hawaiian people. The numbers of Hawaiians during that time were declining.

“The Bernice Pauahi Bishop Museum’s early collections consisted of possessions and bequests of the Kamehameha and Kalākaua families, but thanks to outstanding and energetic leadership and community support over the decades, the museum has amassed an amazing collection that ranks it amongst the best and most unique in the world. Today, it is the home to more than 25 million cultural artifacts and natural history specimens.

“Bishop Museum isn’t just a place for collecting and displaying objects; scientists and researchers are making invaluable contributions to our knowledge base in Hawai‘i, its people, and the world. It has been a leader in preserving and translating the oral history of Native Hawaiians and has published some of the most important works on the Hawaiian language, culture, and history.

“But the museum is proudest of its role as a gathering place and educational center for our people and for those across the globe. The museum welcomes 350,000 visitors through its doors every year. It also reaches 28,000 of our young people annually, educating them about everything from history to science. It also sponsors about 6,000 public programs a year, while its website reaches nearly 1.5 million visitors each year. This is a remarkable record of achievement, reflecting not only 125 years of service to our community, but the leadership and contributions of so many throughout its remarkable history.

“Please join me in congratulating the Bernice Pauahi Bishop Museum and its staff on the 125-year existence of this historic and cultural treasured site. Congratulations. Joining us on the floor today are Blair Collis, president and CEO; Allison Holt Gendreau, chairman of the board of the Bishop Museum; Watters Martin, vice chairman of the board; and Courtney Chow, director of development.

“We have two other friends in the gallery this morning: Dr. Yoshi Sinoto, director of Polynesian archeology; also in the gallery, Dodie Brown, daughter of Aunty Pat Bacon and senior cultural advisor. Thank you, Dodie.

“Thank you for your fantastic work over the century, and 125 years. Thank you, Madam President.”

At 11:54 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 p.m.

STANDING COMMITTEE REPORTS

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2874) recommending that H.B. No. 2618, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Galuteria, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2618, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ENERGY STORAGE,” 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. 2875) recommending that H.B. No. 2426, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Galuteria, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2426, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BIOSECURITY,” 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. 2876) recommending that H.B. No. 1951, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Galuteria, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1951, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST SEAWATER AIR CONDITIONING PROJECTS ON OAHU,” 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. 2877) recommending that H.B. No. 1942, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Galuteria, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1942, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST WITH THE PLANNING, DESIGN, CONSTRUCTION, EQUIPPING, LAND LEASES, AND OTHER TANGIBLE ASSETS FOR A RENEWABLE ENERGY PROJECT WITH ENERGY STORAGE TECHNOLOGY ON THE ISLAND OF MOLOKAI,” 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. 2878) recommending that H.B. No. 502, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Galuteria, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 502, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FOOD SELF-SUFFICIENCY,” 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. 2879) recommending that H.B. No. 2178, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Galuteria, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2178, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," 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. 2880) recommending that H.B. No. 2009 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Galuteria, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2009, entitled: "A BILL FOR AN ACT RELATING TO THE MILK CONTROL," 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. 2881) recommending that H.B. No. 1929, H.D. 2 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Galuteria, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1929, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FARMERS MARKETS," 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. 2882) recommending that H.B. No. 2464, H.D. 1 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Galuteria, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2464, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Shimabukuro, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2883) recommending that the Senate advise and consent to the nominations to the Island Burial Council, Island of Molokai of the following:

FRANCES COBB-ADAMS, in accordance with Gov. Msg. No. 513;

MICHELLE PESCAIA, in accordance with Gov. Msg. No. 514; and

EDWARD AYAU, in accordance with Gov. Msg. No. 515.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2883 and Gov. Msg. Nos. 513, 514 and 515 was deferred until Monday, March 17, 2014.

Senator Shimabukuro, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2884) recommending that the Senate advise and consent to the nominations to the Island Burial Council, Islands of Maui and Lanai of the following:

JOHANNA KAMAUNU, in accordance with Gov. Msg. No. 516;

IRMALEE POMROY MALY, in accordance with Gov. Msg. No. 523;

KAPULANI ANTONIO, in accordance with Gov. Msg. No. 524; and

DANE MAXWELL, in accordance with Gov. Msg. No. 525.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2884 and Gov. Msg. Nos. 516, 523, 524 and 525 was deferred until Monday, March 17, 2014.

Senator Wakai, for the Committee on Technology and the Arts, presented a report (Stand. Com. Rep. No. 2885) recommending that the Senate advise and consent to the nomination of KEONE KALI as the Chief Information Officer of the Office of Information Management and Technology, in accordance with Gov. Msg. No. 579.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2885 and Gov. Msg. No. 579 was deferred until Monday, March 17, 2014.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 2886) recommending that the Senate consent to the nomination of MICHAEL D. WILSON to the Supreme Court, State of Hawaii, in accordance with Gov. Msg. No. 580.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2886 and Gov. Msg. No. 580 was deferred until Monday, March 17, 2014.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 2872 (Gov. Msg. Nos. 548, 549 and 550):

Senator Baker moved that Stand. Com. Rep. No. 2872 be received and placed on file, seconded by Senator Galuteria and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Civil Defense Advisory Council of the following:

RICHARD MINATOYA, term to expire June 30, 2018 (Gov. Msg. No. 548);

DOMINADOR COLOMA, term to expire June 30, 2018 (Gov. Msg. No. 549); and

RAYMOND JARDINE, JR., term to expire June 30, 2018 (Gov. Msg. No. 550),

seconded by Senator Galuteria.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chun Oakland, English, Espero, Green, Solomon).

Stand. Com. Rep. No. 2873 (Gov. Msg. No. 551):

Senator Baker moved that Stand. Com. Rep. No. 2873 be received and placed on file, seconded by Senator Galuteria and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of JOYCE MATSUMORI-HOSHIJO to the Hawaii Paroling Authority, term to expire June 30, 2018, seconded by Senator Galuteria.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chun Oakland, English, Espero, Green, Solomon).

RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bills that were received:

H.B. No.:	Re-referred to:
H.B. No. 1316, H.D. 1	Jointly to the Committee on Water and Land and the Committee on Hawaiian Affairs, then jointly to the Committee on Judiciary and Labor and the Committee on Ways and Means
H.B. No. 2246, H.D. 1	Jointly to the Committee on Health and the Committee on Public Safety, Intergovernmental and Military Affairs, then jointly to the Committee on Judiciary and Labor and the Committee on Ways and Means
H.B. No. 2518, H.D. 1	Jointly to the Committee on Economic Development, Government Operations and Housing, the Committee on Public Safety, Intergovernmental and Military Affairs, and the Committee on Technology and the Arts, then to the Committee on Ways and Means
H.B. No. 2529, H.D. 3	Jointly to the Committee on Commerce and Consumer Protection and the Committee on Health, then to the Committee on Ways and Means

At 12:03 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:37 p.m. with the Vice President in the Chair.

At this time, Senate President Kim rose to speak on a point of personal privilege as follows:

“Obviously, I have been deprived of doing personal privilege, and so I thought that I would take this opportunity only because something was presented to me this morning that sort of got me very concerned. What I’m holding in my hand is a document that says, ‘The University of Hawai‘i at Mānoa Athletic Department is requesting architectural design services to create and design conceptual renderings for a potential outdoor 30,000-seat multipurpose entertainment facility to be located in an undetermined site on the island of O‘ahu. Design services are to include design of a single entertainment facility for Hawai‘i community capable of multipurpose use in a versatile facility, (2) develop preliminary schematic drawings detailing layouts of the facility and two conceptual street views, (3) determining the necessary acreage footprint needed to construct the facility,’ it goes on and on.

“And I checked with the Finance chair in the House; I checked with our Ways and Means and our committee chair of Higher Ed, and nobody seems to even know about this request for quotations, which troubles me because the university is coming before us with their budget, they’re asking for all of these priorities, and for some reason we are not told or there’s no transparency in their projects. We saw in the newspaper how the T.C. Ching Field is over-budgeted and is late. We know that the campus center is 14 months behind. We know there are overruns over at the West O‘ahu campus. There are a myriad of problems and all of a sudden now we see that there’s a request for quotations for another stadium. So, I’m very troubled by this. I’m troubled that the university has not been transparent with us and is not keeping us informed; and certainly, I think that we need to take a second look at their request and their budget. Thank you.”

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

“Thank you, Mr. President. Just to stand on a point of personal privilege to announce that your Committee on Health will be having an informational briefing today on the use of herbicides across the state by the counties and the state. The goal of this informational briefing is really to determine if the use of Roundup is being used safely and in a way that doesn’t harm anybody. We’ll be receiving a full comprehensive report on the use of Roundup and glyphosate across the state.

“This was brought to my attention by people from the community over the last several months. They’ve seen power spraying near schools, churches, and whatnot – thousands of gallons. And there was some concern, but I didn’t know if it was a concern to us, so we have some experts coming in. We’ll have the Departments of Health and Transportation also addressing the issue. It should be, actually, a very good informational briefing to make sure that we’re achieving the highest standards of safety and proper use of this chemical.

“So, if people would like to join me, it’ll be room 229 today at 1:30 p.m.; it’ll probably be about 90 minutes to 2 hours. If you could come and go, that’d be good, or definitely send your staff. I think this is a significant public health question. Thank you, Mr. President.”

Senator Tokuda rose to inform the members of the following week’s events for Education Week at the Capitol, encouraged everyone to participate, and thanked the staff for their efforts.

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

“Thank you; it’s really an announcement as well as a comment. Tomorrow, as all of you know, Judiciary and Labor will be conducting a hearing on the Associate Justice nominee to the Supreme Court, Michael Wilson. This will be, I presume, the last opportunity to have a public hearing unless something that I can’t even imagine comes forward tomorrow. There is at least one woman who is to testify, but I wanted to be sure that opportunity to invite the bar association to be present, including Calvin Young and particularly Greg Markham and others whose names have been bandied about. They include Ronette Kawakami, Nadine Ando, Russ Awakuni, Cecelia Chang, Vladimir Devens, Rhonda Griswold from the bar, as well as Pat Mau-Shimizu, to the extent that there may be questions by the members or also clarification.

“If you’re not on the committee and wish or intend to participate, my staff would certainly appreciate a heads-up because we’re trying to organize the logistics of the meeting. I’m presuming that all members of the Judiciary and Labor Committee will be present.

“Finally, I wanted to, by way of this opportunity, let you know that subpoenas will go out this afternoon with respect to the investigation on the Hawai‘i State Hospital. Thank you.”

Senate President Kim rose to speak on a point of personal privilege as follows:

“I’d like to add and ask the Judiciary chair that we request someone from the Judicial Selection Commission to hopefully be there, if none other than the Senate’s selection be there also, if there are questions from the members. Thank you.”

Senator Ige rose to announce that the Committee on Ways and Means would be planning a committee briefing regarding the State Budget, and asked the members for their preference for meeting times.

The Chair extended best wishes to the national award-winning Kapa'a Middle School 'Ukulele Band as they perform at the Heritage Music Festival in Anaheim, California.

At this time, Senator Galuteria wished Senator Hee a happy birthday on behalf of the members of the Senate.

ADJOURNMENT

At 12:47 p.m., on motion by Senator Galuteria, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Monday, March 17, 2014.