

## THIRTY-FOURTH DAY

Tuesday, March 18, 2014

The Senate of the Twenty-Seventh Legislature of the State of Hawai'i, Regular Session of 2014, convened at 11:37 a.m. with the President in the Chair.

The Roll was called showing all Senators present with the exception of Senator Wakai who was excused.

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

At this time, Senator Espero welcomed a group of Cub Scouts from Pack 126 in 'Ewa and Kapolei who were accompanied by their mothers and leaders in the gallery.

Senator Tokuda thanked the members for their participation in the morning's events for the second day of Education Week.

Senator Taniguchi recognized and commemorated the fiftieth anniversary of the University of Hawai'i Community College System, and presented the following remarks:

"Thank you, Madam President and Senator Tokuda. I rise to recognize the University of Hawai'i's Community College System, which is celebrating its fiftieth anniversary this year. The community colleges continue to open doors of opportunities for affordable, quality higher education to more than 33,000 students each year. Over the years, the community college system has grown to include seven campuses, three university centers, and six educational centers on the islands of O'ahu, Kaua'i, Hawai'i, Maui, Moloka'i, and Lāna'i.

"I would like to acknowledge Dr. Richard Kosaki, who is considered to be the architect of the University of Hawai'i's Community College System. Unfortunately, he was unable to be present today, but we wish him all the best.

"Representing the UH community colleges, we are fortunate to have with us today Chair John Holzman from the Board of Regents, Interim President David Lassner, and Vice President of Community Colleges John Morton.

"Sitting in the gallery, I would like to recognize the seven chancellors. We have Noreen Yamane from Hawai'i Community College, Erika Lacro from Honolulu Community College, Leon Richards from Kapi'olani Community College, Helen Cox from Kaua'i Community College, Manuel Cabral from Leeward Community College, Clyde Sakamoto from UH Maui College, and Doug Dykstra from Windward Community College. I would also like to recognize Associate Vice Presidents Peter Quigley and Michael Unebasami."

At 11:43 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:50 a.m.

## STANDING COMMITTEE REPORTS

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2903) recommending that H.B. No. 737, 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 Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 737, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST AGRICULTURAL ENTERPRISES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Nishihara and Chun Oakland, for the Committee on Agriculture and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 2904) recommending that H.B. No. 2430, 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 Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 2430, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE SENIOR FARMERS' MARKET NUTRITION PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Nishihara and Dela Cruz, for the Committee on Agriculture and the Committee on Economic Development, Government Operations and Housing, presented a joint report (Stand. Com. Rep. No. 2905) recommending that H.B. No. 2468, 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 H.B. No. 2468, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Nishihara, Taniguchi, and Gabbard, for the Committee on Agriculture and the Committee on Higher Education and the Committee on Energy and Environment, presented a joint report (Stand. Com. Rep. No. 2906) recommending that H.B. No. 1931, 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 Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 1931, H.D. 1, 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.

Senators Nishihara and Gabbard, for the Committee on Agriculture and the Committee on Energy and Environment, presented a joint report (Stand. Com. Rep. No. 2907) recommending that H.B. No. 1514, 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 Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 1514, H.D. 1, 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.

Senators Nishihara and Gabbard, for the Committee on Agriculture and the Committee on Energy and Environment, presented a joint report (Stand. Com. Rep. No. 2908) recommending that H.B. No. 2543, 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 H.B. No. 2543, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST BIOTORK HAWAII LLC," 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. 2909) recommending that H.B. No. 2304, 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 Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2304, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NEUROTRAUMA ADVISORY BOARD," 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. 2910) recommending that H.B. No. 2277, 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 Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2277, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE TRANSFORMATION," 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. 2911) recommending that H.B. No. 2262, H.D. 2 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 H.B. No. 2262, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REPORTING DEATHS TO STATE AGENCIES," passed Second Reading and was referred to the Committee on Judiciary and Labor.

#### ORDER OF THE DAY

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 2899 (Gov. Msg. No. 508):

Senator Baker moved that Stand. Com. Rep. No. 2899 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of JANET PRIMIANO to the Board of Dental Examiners, term to expire June 30, 2017, seconded by Senator Taniguchi.

Senator Baker rose to speak in support of the nominee as follows:

"Thank you, Madam President. I rise in strong support of all of these Governor's Messages that came to the Committee on Commerce and Consumer Protection. They are all excellent appointees, some of them returning. And to share a little bit about the three that we have in the audience, to give you an indication of how exemplary these individuals are, let me speak briefly to Gov. Msg. Nos. 534, 535, and 536.

"These folks, as all of the members know, are all volunteers. They do this without compensation and yet, many of our professions could not do their work if it weren't for able individuals from the community, both from industry as well as the public, serving on our boards and commissions. So, I'm pleased to stand in strong support of all of the governor's nominees on our agenda today."

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

Ayes, 24. Noes, none. Excused, 1 (Wakai).

Stand. Com. Rep. No. 2900 (Gov. Msg. No. 534):

Senator Baker moved that Stand. Com. Rep. No. 2900 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of LEONARD LEONG to the Contractors License Board, term to expire June 30, 2018, seconded by Senator Taniguchi.

Senator Baker rose to speak in support of the nominee as follows:

"Thank you, Madam President. I rise in strong support of all of these Governor's Messages that came to the Committee on Commerce and Consumer Protection. They are all excellent appointees, some of them returning. And to share a little bit about the three that we have in the audience, to give you an indication of how exemplary these individuals are, let me speak briefly to Gov. Msg. Nos. 534, 535, and 536.

"Gov. Msg. No. 534 is Leonard Leong, who is a general contractor. He's been active in the business for over 40 years and has an exemplary record in that profession and industry. He wanted to join the board as a way of giving back to his community, and I think he will do a great job on the board.

"These folks, as all of the members know, are all volunteers. They do this without compensation and yet, many of our professions could not do their work if it weren't for able individuals from the community, both from industry as well as the public, serving on our boards and commissions. So, I'm pleased to stand in strong support of all of the governor's nominees on our agenda today."

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

Ayes, 24. Noes, none. Excused, 1 (Wakai).

Stand. Com. Rep. No. 2901 (Gov. Msg. Nos. 535 and 536):

Senator Baker moved that Stand. Com. Rep. No. 2901 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Real Estate Commission of the following:

ROWENA COBB, term to expire June 30, 2018 (Gov. Msg. No. 535); and

NIKKI SENTER, term to expire June 30, 2018 (Gov. Msg. No. 536),

seconded by Senator Taniguchi.

Senator Baker rose to speak in support of the nominees as follows:

"Thank you, Madam President. I rise in strong support of all of these Governor's Messages that came to the Committee on Commerce and Consumer Protection. They are all excellent appointees, some of them returning. And to share a little bit about the three that we have in the audience, to give you an indication of how exemplary these individuals are, let me speak briefly to Gov. Msg. Nos. 534, 535, and 536.

"Our next two nominees are both being reappointed to the Real Estate Commission. Gov. Msg. No. 535 is Rowena Cobb. She's from Kaua'i, representing Kaua'i as a licensee member on the board. She chairs the Education Review Committee and has really been an outstanding board member for the Real Estate Commission and in representing her community.

“And our third nominee that’s attending today is Ms. Nikki Senter. She’s a real estate development attorney. She’s been serving as chair of the commission, and has really brought a wealth of knowledge to the commission as well as bringing the stakeholders together to continue the rulemaking process, both for Chapter 107 and now going into horizontal property regimes (condominiums) as well as updating the administrative rules relating to real estate brokers and salespersons.”

“These folks, as all of the members know, are all volunteers. They do this without compensation and yet, many of our professions could not do their work if it weren’t for able individuals from the community, both from industry as well as the public, serving on our boards and commissions. So, I’m pleased to stand in strong support of all of the governor’s nominees on our agenda today.”

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

Ayes, 24. Noes, none. Excused, 1 (Wakai).

Stand. Com. Rep. No. 2902 (Gov. Msg. No. 537):

Senator Baker moved that Stand. Com. Rep. No. 2902 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of REID SAITO to the Board of Examiners in Optometry, term to expire June 30, 2018, seconded by Senator Taniguchi.

Senator Baker rose to speak in support of the nominee as follows:

“Thank you, Madam President. I rise in strong support of all of these Governor’s Messages that came to the Committee on Commerce and Consumer Protection. They are all excellent appointees, some of them returning. And to share a little bit about the three that we have in the audience, to give you an indication of how exemplary these individuals are, let me speak briefly to Gov. Msg. Nos. 534, 535, and 536.

“These folks, as all of the members know, are all volunteers. They do this without compensation and yet, many of our professions could not do their work if it weren’t for able individuals from the community, both from industry as well as the public, serving on our boards and commissions. So, I’m pleased to stand in strong support of all of the governor’s nominees on our agenda today.”

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

Ayes, 24. Noes, none. Excused, 1 (Wakai).

At this time, Senator Baker introduced Leonard Leong, Nikki Senter, and Rowena Cobb, newly confirmed members of the Contractors License Board and the Real Estate Commission who were seated in the gallery.

The Chair thanked the boards and commissions members for their service.

### THIRD READING

H.B. No. 2585:

On motion by Senator Baker, seconded by Senator Taniguchi and carried, H.B. No. 2585, entitled: “A BILL FOR AN ACT RELATING TO FORECLOSURES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Wakai).

H.B. No. 2539:

On motion by Senator Nishihara, seconded by Senator Ihara and carried, H.B. No. 2539, entitled: “A BILL FOR AN ACT RELATING TO SAINT MARIANNE COPE DAY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Wakai).

### REFERRAL OF A HOUSE CONCURRENT RESOLUTION

The President made the following committee assignments of a House concurrent resolution received on Monday, March 17, 2014:

H.C.R. No.: Referred to:

H.C.R. No. 17, H.D. 1 Committee on Health

### RE-REFERRAL OF A HOUSE BILL

The Chair re-referred the following House bill that was received:

H.B. No.: Re-referred to:

H.B. No. 193, H.D. 1 Jointly to the Committee on Water and Land, the Committee on Economic Development, Government Operations and Housing, and the Committee on Public Safety, Intergovernmental and Military Affairs, then jointly to the Committee on Transportation and International Affairs and the Committee on Ways and Means

Senator Solomon, Chair of the Committee on Water and Land, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. No. 193, H.D. 1.

Senator Solomon noted:

“I have a very late request coming from the island of Kaua’i, and this particular bill would establish a community food forest program in the Department of Land and Natural Resources.”

The Chair granted the waiver.

Senator Solomon announced that the Committee on Water and Land and the Committee on Economic Development, Government Operations and Housing and the Committee on Public Safety, Intergovernmental and Military Affairs would be holding a public hearing on H.B. No. 193, H.D. 1 on Thursday, March 20, 2014, at 3:30 p.m. in Conference Room 224.

Senator Keith-Agaran rose to recognize staff and students from the University of Hawai’i Maui College including Julie Patao, CareerLink director; Chris Speere, external program coordinator for the Maui Culinary Academy; and other staff and students from the culinary program.

Senator Green, Chair of the Committee on Health, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. No. 611, H.D. 1.

Senator Green noted:

“This is the bill making it unlawful for tanning facility owners, lessees, and operators to allow the use of tanning beds for anyone under the age of 18, Madam President.”

The Chair granted the waiver.

Senator Green announced that the Committee on Health and the Committee on Commerce and Consumer Protection would be holding a public hearing on H.B. No. 611, H.D. 1

on Thursday, March 20, 2014, at 9:30 a.m. in Conference Room 229.

Senator Kouchi welcomed Joy Kimura, a former Senate staff member from the 2012 legislative session who was seated in the gallery, and thanked her for all of her hard work.

Senator Tokuda noted that Education Week activities would continue the following day with the Secondary Student Conference coffee hour with legislators involving students from a number of middle and high schools, as well as a presentation from the Early Learning Advisory Board. Senator Tokuda also urged the members' participation in upcoming wellness and physical activities for Healthy Schools Day.

Senator Ihara informed the members that the Legislative Intern Summit would be occurring the following day, and that 11 interns would be visiting the members' offices as well as touring the Capitol.

Senator Solomon, Chair of the Committee on Water and Land, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. No. 2177, H.D. 1.

The Chair granted the waiver.

The Chair then noted that the Committee on Water and Land and the Committee on Public Safety, Intergovernmental and Military Affairs would be holding a public hearing on H.B. No. 2177, H.D. 1 on Thursday, March 20, 2014, at 1:15 p.m. in Conference Room 225.

#### **ADJOURNMENT**

At 12:01 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Wednesday, March 19, 2014.