

FORTIETH DAY

Thursday, March 27, 2014

The Senate of the Twenty-Seventh Legislature of the State of Hawai'i, Regular Session of 2014, convened at 11:34 a.m. with the President in the Chair.

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

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

At this time, Senator Galuteria welcomed a group of students from the McKinley Community School for Adults who were seated in the gallery.

Senator Kouchi introduced the following representatives from the Kaua'i Chamber of Commerce: Randy Francisco, president and CEO; Caroline Texeira, executive vice president; and Chantal Zarbaugh, executive assistant.

Senator Kouchi also welcomed Christian Naea, supervisor for the students from the Boys & Girls Clubs on Kaua'i; Luke Rita, Boys & Girls Kapa'a Clubhouse; and Grace Peralta, Boys & Girls Lihue Clubhouse.

Senator English introduced Nasimi Aghayev, Consul General of Azerbaijan in Los Angeles, who was accompanied in the gallery by State Representative Rida T.R. Cabanilla.

Senator Shimabukuro welcomed Lala Fernandez and Kekoa Tupua of the Boys & Girls NFL YET Nanakuli Clubhouse, as well as Lana Keamo of the Boys & Girls Wai'anae Clubhouse.

Senator Thielen acknowledged Maureen Purington of the Boys & Girls Windward Clubhouse who was present in the gallery.

Senator Slom introduced Delorese Gregoire, founder and director of Winners' Camp, a residential camp program in Hawai'i for teens and 'twens'; and Ruriko and Michael Randolph, owners of and teachers at The MR English Language School in Kiryu City, Guma Prefecture, Japan.

Senator Baker congratulated the 2014 Boys & Girls Club Youth of the Year, and presented the following remarks:

"Thank you, Madam President. I'm pleased to be a part of recognizing this outstanding group of youth in our chambers today: the Boys & Girls Clubs of Hawai'i. For those of you who may not know, the Hawai'i Alliance of Boys & Girls Clubs is a consortium of three organizations: Boys & Girls Club of the Big Island; Boys & Girls Club of Hawai'i, which includes O'ahu and Kaua'i; and the Boys & Girls Clubs of Maui. Each year, youth at the Boys & Girls Club across Hawai'i compete at the local level for a chance to be selected as a finalist for the Hawai'i State Youth of the Year competition, and those are our honorees on the floor today. In order to participate in this prestigious national youth recognition program, candidates must do well in school, lead healthy lifestyles, and contribute to their clubs and communities.

"So today, we have the pleasure of recognizing these outstanding teens from the Hawai'i Alliance of Boys & Girls Clubs, as well as our military institutions, who have been selected as Hawai'i finalists from their clubhouse for their leadership, resilience, and commitment to serve their families, communities, and their club organizations.

"But before I turn it over to my colleagues to introduce our individual finalists on the floor, I wanted to take this opportunity to recognize some of their adult leaders who have joined us in the gallery, as well as some of the others. First, the

chief professional officer from the Boys & Girls Club of Maui is Colin Hanlon; from the Big Island is Zavi Brees-Saunders; and from the Boys & Girls Club of Hawai'i that serves Kaua'i and O'ahu, Mr. Tim Motts. I also recognize one of our councilmembers from Maui, Don Couch, who is also a big Boys & Girls Club supporter and board member.

"And we have some of our youth who were honorees. They were considered for this recognition but did not make it to the finals, but they're deserving of recognition for all of their wonderful accomplishments and some of them have already been recognized, but let me call out the others: from the Makawao Clubhouse on the island of Maui: Jamie Gomes; from the Lāhainā Clubhouse: Aaron Naea; from the Haiku Clubhouse: Tia Bright; from O'ahu, from Wai'anae: Kamalani Kauai; from Hale Pono, 'Ewa Beach: Angela Gabriel, Katherine Lundgren-Aiwohi, and Lala Aisek; from the Big Island, Hilo Clubhouse: Jenasey Namba and Tyler Nahinu; and we had the two young people from Kaua'i. So, if we could recognize all of the adults and young people that are here representing the various Boys & Girls Clubs from around the state, if you could please rise to be recognized this morning."

Senator Espero recognized Joy Gabriel, Boys & Girls Club of Hawai'i 2014 Youth of the Year Finalist from the Hale Pono 'Ewa Beach Clubhouse, and presented the following remarks:

"Thank you, Madam President, colleagues, and guests. First of all, also in the gallery who did stand up are two of the great leaders from the Hale Pono 'Ewa Beach Clubhouse, Frances Rivero and Lori Gorospe. These two leaders have been individuals who have shaped many of the youth and teens within the 'Ewa Beach – West O'ahu community.

"Today, I'm very proud to introduce to you, from the wonderful, dynamic community of 'Ewa Beach, Joy Gabriel. Joy is an O'ahu native, attends James Campbell High School, and has impressed her club with her strong sense of community and volunteerism, leadership, and mentorship of others. She regularly volunteers for community-support activities including beach and community cleanups, graffiti paint-outs, and community outreach. Joy has completed more than 100 hours of service for her club. She is an active member of the Hale Pono Clubhouse Leaders in Training program and provides small business mentorship for members of the Torch Club leadership program comprised of youth ages 10 to 12. She does expect to attend a college in the University of Hawai'i System and is leaning towards a degree in business. Please welcome Joy Gabriel from the Hale Pono 'Ewa Beach Clubhouse."

Senator Kahele recognized Benjamin Cortez, Jr., Boys & Girls Club of the Big Island 2014 Youth of the Year Finalist from the Hilo Clubhouse, and presented the following remarks:

"Thank you, President, and Senator Espero. Benjamin Cortez, Jr. represents the Boys & Girls Club of the Big Island – Hilo Clubhouse. A Big Island native in the eighth grade, Benjamin has demonstrated impressive collaboration and leadership. He was instrumental in the development and implementation of his clubhouse's collaborative youth market initiative called the Revolutionary Youth Market. Benjamin was part of the initial planning and drafting team that developed the project's concept, mission, and outline and was instrumental in recruiting other programs and local businesses to participate. Benjamin also teaches young club members about food justice and preventing food waste, and is part of the gardening and cleaning crew. Senators, Benjamin Cortez, Jr.

"In the gallery in his mom, who sits up there, and a very proud mother she is."

Senator Wakai recognized Preston Colón, Boys & Girls Club of Hawai'i 2014 Youth of the Year Finalist from the Joint Base Pearl Harbor-Hickam Boys & Girls Club Affiliate – Teen Center, and presented the following remarks:

“Thank you, Madam President. Ladies and gentlemen, it is with great respect and admiration that I introduce you to Preston Colón. Preston is not only tall; he represents the Joint Base Pearl Harbor-Hickam Boys & Girls Club Affiliate – Teen Center on O‘ahu. As a Radford High School junior, Preston has demonstrated outstanding community service, leadership, and academic excellence. He’s volunteered at the Red Cross beach cleanup, supported disaster readiness pack drives for disabled veterans, and donated more than 300 pounds of food to the Hawaii Foodbank with the Keystone Club. A National Honor member and Radford Ram school representative, Preston holds a better-than-perfect GPA: a 4.26 grade point average. He’s a garden club member and assistant for the Teen Center dances and activities. Congratulations, Preston Colón.”

Senator Dela Cruz recognized Alexis Brodie, Boys & Girls Club of Hawai'i 2014 Youth of the Year Finalist from the Schofield Barracks Bennett Youth Center, and presented the following remarks:

“Thank you, Madam President. Alexis Brodie represents the Schofield Barracks Bennett Youth Center on O‘ahu. A Leilehua High School sophomore, Alexis has impressed her club with service to her community and mentorship to others. She organized and executed a teddy bear sock drive for children who are victims of abuse; provides peer mentoring for students in need of academic support; and was selected to the Pacific Teen Panel, a program that enables teens to voice their concerns to improve Army teen programs and provide them with leadership opportunities. Alexis was named Volunteer of the Month in December 2013 and March 2014 and participates in the drama, photography, journalism, Keystone, and gardening clubs. Let’s give her another round of applause.”

Senator Keith-Agaran recognized Mason Aquino, Boys & Girls Club of Maui 2014 Youth of the Year Finalist from the Central Club, and presented the following remarks:

“Thank you, Madam President. It’s my honor to introduce Mason Aquino. Mason Aquino represents the Boys & Girls Clubs of Maui – Central Club. A Maui native and H.P. Baldwin senior, Mason has experienced a variety of personal setbacks and obstacles and has risen to accomplish numerous successes. He formed and maintains relationships with many key individuals and organizations that serve communities throughout the County of Maui, including all the clubhouses of the Boys & Girls Clubs of Maui, the Kiwanis Valley Isle Key Club, Hale A Ke Ola Homeless Shelter, Kiwanis Keiki Fest, Community Work Day Program, the Maui Food Bank, Feed My Sheep, the Maui County ‘Be a Jerk’ campaign, and Mālama Maui Nui. He has maintained a consistent cumulative grade point average of 3.5 to 4.0 and has participated, since its inception, in the University of Hawai'i Maui College’s Summer Bridge Program, which focuses intensely on the disciplines of science, technology, engineering, and math. Madam President, let’s welcome Mason to the floor.”

At 11:51 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 a.m.

MESSAGE FROM THE GOVERNOR

The following message from the Governor (Gov. Msg. No. 618) was read by the Clerk and was placed on file:

Gov. Msg. No. 618, informing the Senate that on March 21, 2014, the Governor withdrew H.K. BRUSS KEPPELER,

Gubernatorial Nominee to the Hawaii Community Development Authority, from consideration by the Senate (Gov. Msg. No. 558).

HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 392) was read by the Clerk and was placed on file:

Hse. Com. No. 392, informing the Senate that on March 25, 2014, the House disagreed to the amendments proposed by the Senate to the following bills:

H.B. No. 1678, H.D. 1 (S.D. 1);
H.B. No. 2320, H.D. 1 (S.D. 1); and
H.B. No. 2656, H.D. 1 (S.D. 1).

STANDING COMMITTEE REPORTS

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3136) recommending that the Senate advise and consent to the nominations to the Disability and Communication Access Board of the following:

PETER FRITZ, in accordance with Gov. Msg. No. 606;

LUCY MILLER, in accordance with Gov. Msg. No. 607;

BARBARA FISCHLOWITZ-LEONG, in accordance with Gov. Msg. No. 608;

LYNN MURAKAMI-AKATSUKA, in accordance with Gov. Msg. No. 609;

GLENN NAKAMURA, in accordance with Gov. Msg. No. 610;

MICHAEL OKAMOTO, in accordance with Gov. Msg. No. 611; and

ANTHONY RIECKE-GONZALES, in accordance with Gov. Msg. No. 612.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3136 and Gov. Msg. Nos. 606, 607, 608, 609, 610, 611, and 612 was deferred until Friday, March 28, 2014.

Senator Shimabukuro, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3137) recommending that the Senate advise and consent to the nomination of DOREEN GOMES to the Hawaiian Homes Commission, in accordance with Gov. Msg. No. 512.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3137 and Gov. Msg. No. 512 was deferred until Friday, March 28, 2014.

Senator Shimabukuro, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3138) recommending that the Senate advise and consent to the nomination of THOMAS SHIRAI, JR. to the Island Burial Council, Island of Oahu, in accordance with Gov. Msg. No. 526.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3138 and Gov. Msg. No. 526 was deferred until Friday, March 28, 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. 3139) recommending that H.B. No. 1618, H.D. 1, 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 H.B. No. 1618, H.D. 1, S.D. 1, entitled: “A BILL FOR AN

ACT RELATING TO THE COMPOSITION OF THE BOARD OF LAND AND NATURAL RESOURCES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 2014.

ORDER OF THE DAY

AGREE/DISAGREE

MATTERS DEFERRED FROM TUESDAY, MARCH 25, 2014

S.B. No. 2094, S.D. 1 (H.D. 1):

By unanimous consent, action on S.B. No. 2094, S.D. 1 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO COMPUTER DAMAGE," was deferred until Friday, March 28, 2014.

S.B. No. 3107, S.D. 1 (H.D. 1):

By unanimous consent, action on S.B. No. 3107, S.D. 1 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO THE STATE INSTRUMENT," was deferred until Friday, March 28, 2014.

THIRD READING

MATTER DEFERRED FROM TUESDAY, MARCH 25, 2014

H.B. No. 1604, H.D. 2:

Senator Hee moved that H.B. No. 1604, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Shimabukuro.

Senator Hee then offered the following amendment (Floor Amendment No. 8) to H.B. No. 1604, H.D. 2:

SECTION 1. H.B. No. 1604, H.D. 2, is amended by amending the effective date from July 1, 2030, to July 1, 2050, and to read as follows:

"SECTION 3. This Act shall take effect on July 1, 2050."

Senator Hee moved that Floor Amendment No. 8 be adopted, seconded by Senator Shimabukuro.

Senator Hee rose to speak in support of the amendment as follows:

"Thank you, Madam President. The floor amendment offers a defective effective date to July 1, 2050 to throw this bill into conference."

The motion to adopt Floor Amendment No. 8 was put by the Chair and carried.

By unanimous consent, H.B. No. 1604, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was placed on the calendar for Third Reading on Monday, March 31, 2014.

ADVISE AND CONSENT

Stand. Com. Rep. No. 3098 (Gov. Msg. No. 509):

Senator English moved that Stand. Com. Rep. No. 3098 be received and placed on file, seconded by Senator Dela Cruz and carried.

Senator English then moved that the Senate advise and consent to the nomination of CHARLES HIRATA to the State Highway Safety Council, term to expire June 30, 2017, seconded by Senator Dela Cruz.

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

Ayes, 23. Noes, none. Excused, 2 (Ihara, Solomon).

Stand. Com. Rep. No. 3099 (Gov. Msg. No. 510):

Senator English moved that Stand. Com. Rep. No. 3099 be received and placed on file, seconded by Senator Dela Cruz and carried.

Senator English then moved that the Senate advise and consent to the nomination of BYRON FUJIEDA to the State Highway Safety Council, term to expire June 30, 2017, seconded by Senator Dela Cruz.

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

Ayes, 23. Noes, none. Excused, 2 (Ihara, Solomon).

THIRD READING

H.B. No. 2482, H.D. 1, S.D. 1:

On motion by Senator Baker, seconded by Senator Taniguchi and carried, H.B. No. 2482, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ihara, Solomon).

H.B. No. 2573, H.D. 1, S.D. 1:

On motion by Senator Wakai, seconded by Senator Nishihara and carried, H.B. No. 2573, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE INSTRUMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ihara, Solomon).

H.B. No. 1770, H.D. 1:

On motion by Senator Espero, seconded by Senator English and carried, H.B. No. 1770, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ihara, Solomon).

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. 2206 Committee on Higher Education

At this time, Senator Espero rose to invite the members to a demonstration of the robotic lunar rover the following day in the rotunda at 1:45 p.m., and noted that a genuine space suit worn by astronaut and current NASA Administrator Charles Bolden would also be on display.

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

"Thank you. Today marks the fortieth day of our legislative session. That means we're two-thirds finished, but it also means we have one-third to go. Today in Ways and Means, we passed the Senate version of the budget: a \$23 million supplemental budget for the next two fiscal periods. But in that budget, we see a lot of expenditures, we see more problems for Hawai'i's families who are struggling right now, and we see that three of the outlying six years face a deficit position.

"We have to get serious about the real aspects of Hawai'i's economic situation. As I noted today in Ways and Means,

unfortunately, there's nothing in this legislative session thus far that has addressed the problems of our fallen economy, the fact that we are not creating new jobs in the private sector at the level that we need to, that we are not lowering the tax burden and the cost of living burden for our residents, that more and more people are struggling in this economy.

"So, we have one-third of this session to go. We still have a long way to go in the budget; it will go into conference committee. But I urge the members to be very cognizant of the fact that we continue to struggle in this economy and we're not doing the things that we need to do. We're not listening to the people who know how to create jobs and to encourage investment. Thank you, Madam President."

ADJOURNMENT

At 12:02 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Friday, March 28, 2014.