

TENTH DAY

Thursday, February 5, 2015

The Senate of the Twenty-Eighth Legislature of the State of Hawai'i, Regular Session of 2015, convened at 11:31 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 Ninth Day.

Senator Espero introduced the Honorable Hilario G. Davide, Jr., former Chief Justice of the Supreme Court of the Philippines and former Ambassador of the Permanent Mission of the Republic of the Philippines to the United Nations. Accompanying him in the gallery were his wife, Virginia (Gigi) Davide, and his granddaughter, Patricia Davide.

Senator Kahele introduced Dr. Todd Belt, professor 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, Lilinoe Heaukulani.

Senator Ihara welcomed students from Kaimuki Christian School who were present in the gallery with teachers Chau Sachs and Jane McClair, and chaperones Pauline Awakuni and Nancy Miller.

Senator Slom recognized Jacob Ly for his outstanding accomplishments, and presented the following remarks:

"Thank you and good morning, Madam President, colleagues. Hawai'i always takes a great deal of pride and pleasure when one of our own is recognized for their achievements in athletics or scholarship or the arts, and we're particularly proud when they get national recognition. We've been very blessed recently to have several of our young people so recognized.

"But today, it's my honor and privilege to recognize someone who embodies so many of these different traits, and we're so proud of him that we're very happy to have him and his parents and the folks from his school present today. I'd like to introduce, on the floor, Mr. Jacob Ly – good morning.

"We throw around the term 'overachiever' quite a bit; Jacob is that overachiever. He's an amazing young man. He's a senior at Kalani High School – go Falcons – and he has distinguished himself in a number of areas. Some of you probably know him without having known him before, but you're going to meet him today.

"First of all, he plays the viola in the Kalani orchestra. And he competes on the Kalani math team. And he competes on the Kalani mock trial debate team. And he serves as vice president of the senior class and has been involved in student government for three years, so we'll have to make a seat for him over here pretty soon.

"But he also obtained the only perfect public school score for the ACT exam in the State of Hawai'i. Many of you, of course, are familiar with the ACT as well as the SAT. Both the SAT and ACT test math, reasoning, verbal, and writing skills, but the main difference is that the ACT generates a general test on science as well. He had the only perfect score, as I say, in public schools. Yes, that deserves your applause. He also had a perfect score on the SAT. He also maintains a 4.0 GPA.

"Some of you may know him from his community performances for Ballet Hawaii. He's been in *The Nutcracker* for a number of years, having various roles. I told him he has distinguished himself as the Nutcracker Prince, but that is a title

that I've been fighting for here in the Legislature for quite some time. But he's also played the mouse, or the rat, and other people as well. Most recently, he's been in performances as Peter Pan.

"But this young man is outstanding for so many different pursuits, and when asked, 'How would you describe Jacob?' the word that always comes back is his humility and his humbleness. He's an outstanding young man, and he makes the school proud, our community proud, and our state proud. So once again, Mr. Jacob Ly.

"With Jacob today, let me introduce – and please have them stand and be recognized – Mitchell Otani, the principal of Kalani High School; Jacob's counselor, Sistan Harano; and the Ballet Hawaii artistic director, Pamela Taylor-Tongg. And of course Ballet Hawaii is outstanding, not only for the performance arts, but also for the outreach in our community, and they'll be celebrating their fortieth anniversary next year.

"I also wanted to note that Counselor Susan Arashiro at Kalani was the person – some of you may have seen a brief news clip about that – and my own staff member, Elise Anderson, who has known our honoree for many years, particularly in the arts. So we're very pleased and very proud to have Jacob and the Kalani representatives today. And up in the gallery, I'd like you to meet and greet Jacob's parents, Don and Megan Ly, if they could please stand.

"So again, it's wonderful that we have so many people, so many young people, within our community who are making us proud, and so we wish them the very best. Thank you."

At 11:41 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:49 a.m.

At this time, Senator Espero introduced Kaua'i County Councilmember Gary Hooser, who was present in the gallery.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 174 to 196) were read by the Clerk and were placed on file:

Gov. Msg. No. 174, dated January 30, 2015, transmitting the Annual Report on Goals and Objectives, prepared by the Department of the Attorney General pursuant to Act 100, SLH 1999.

Gov. Msg. No. 175, dated January 30, 2015, transmitting the final report detailing efforts to improve and restructure the Adult Protective Services to provide a comprehensive delivery of services to vulnerable adults who are, or are in danger of being, abused, neglected, or financially exploited, prepared by the Department of Human Services, Social Services Division, pursuant to H.C.R. No. 118, H.D. 1 (2013).

Gov. Msg. No. 176, dated January 30, 2015, transmitting the Report on Direct Holdings in Sudan Scrutinized Companies, prepared by the Employees' Retirement System pursuant to Act 192, SLH 2007.

Gov. Msg. No. 177, dated January 30, 2015, transmitting the Report on the ERS Hawai'i Venture Capital Investment Program, prepared by the Employees' Retirement System pursuant to Act 260, SLH 2007.

Gov. Msg. No. 178, dated January 30, 2015, transmitting the Spouse and Child Abuse Special Account Report, prepared by

the Department of Human Services pursuant to Section 346-7.5, HRS.

Gov. Msg. No. 179, dated January 30, 2015, transmitting the Crime Victim Compensation Commission Annual Report for Fiscal Year 2013-2014, prepared by the Department of Public Safety pursuant to Section 351-70, HRS.

Gov. Msg. No. 180, dated January 30, 2015, transmitting the Office of Language Access Annual Report, prepared by the Department of Health pursuant to Section 321C-6, HRS.

Gov. Msg. No. 181, dated January 30, 2015, transmitting the Annual Report on Solid Waste Management, prepared by the Department of Health pursuant to Section 342G-15, HRS.

Gov. Msg. No. 182, dated January 30, 2015, transmitting the Annual Report Relating to MH-1s and Hospitalizations of Persons who are under an Order to Treat, prepared by the Department of Health pursuant to Section 334-123, HRS.

Gov. Msg. No. 183, dated January 30, 2015, transmitting a report on the State Water Pollution Control Revolving Fund, prepared by the Department of Health pursuant to Section 342D-82, HRS.

Gov. Msg. No. 184, dated January 30, 2015, transmitting the Developmental Disability Division Task Force's Review of Hawai'i's Statutory Definitions of Developmental Disabilities, prepared by the Department of Health pursuant to H.C.R. No. 17 (2014).

Gov. Msg. No. 185, dated January 30, 2015, transmitting the Statewide Mobility Management Report, prepared by the Department of Health pursuant to Chapter 349, HRS.

Gov. Msg. No. 186, dated January 30, 2015, transmitting the Initiatives and Improvements in the Kalaupapa Settlement and Patient and Non-Patient Costs Report, prepared by the Department of Health pursuant to Section 326-25.5, HRS.

Gov. Msg. No. 187, dated January 30, 2015, transmitting the Annual Report on Dental Activities, Expenditures, and Recommendations, prepared by the Department of Health pursuant to Section 321-63, HRS.

Gov. Msg. No. 188, dated January 30, 2015, transmitting the Annual Evaluation Report on Elder Programs, prepared by the Department of Health pursuant to Section 349-5(b)(2), HRS.

Gov. Msg. No. 189, dated January 30, 2015, transmitting the State Council on Mental Health Annual Report on Implementation of the State Plan, prepared by the Department of Health pursuant to Section 334-10(e), HRS.

Gov. Msg. No. 190, dated January 30, 2015, transmitting the Annual Data Report on Forensic Patients at the Hawai'i State Hospital, prepared by the Department of Health pursuant to Section 334-16, HRS.

Gov. Msg. No. 191, dated January 30, 2015, transmitting the Mental Health and Substance Abuse Special Fund Annual Report, prepared by the Department of Health pursuant to Section 334-15, HRS.

Gov. Msg. No. 192, dated January 30, 2015, transmitting the Administratively Established Appropriations Annual Report, prepared by the Department of Agriculture pursuant to Act 178, SLH 2002.

Gov. Msg. No. 193, dated January 30, 2015, transmitting the Ways to Reduce Incidents of Sepsis and Sepsis Death in the State Report, prepared by the Department of Health pursuant to H.C.R. No. 202, S.D. 1 (2014).

Gov. Msg. No. 194, dated January 30, 2015, transmitting the Annual Report of the Department of Agriculture pursuant to Act 100, SLH 1999.

Gov. Msg. No. 195, dated January 30, 2015, transmitting the 2012 Tax Credits Report, prepared by the Department of Taxation pursuant to Section 231-3.4(a), HRS.

Gov. Msg. No. 196, dated January 30, 2015, transmitting the 2012 Hawai'i Individual Income Tax Statistics Report, prepared by the Department of Taxation pursuant to Section 231-3.4(a), HRS.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 60 to 64) were read by the Clerk and were placed on file:

Dept. Com. No. 60, from the Office of the Auditor dated January 30, 2015, transmitting the Fiscal Year 2014 Financial Statement Audit Reports for the Department of Transportation – Administrative Division, Department of Transportation – Harbors Division, and Hawai'i Tourism Authority pursuant to Article VII, Section 10, Hawai'i State Constitution, and as authorized by Chapter 23, HRS.

Dept. Com. No. 61, from the City and County of Honolulu Police Department dated January 29, 2015, transmitting the 2014 Annual Misconduct Report pursuant to Section 52D-3.5, HRS.

Dept. Com. No. 62, from the City and County of Honolulu Police Department dated January 29, 2015, transmitting the report concerning electric guns and their use from December 1, 2013, through December 31, 2014, pursuant to Section 134-16(d), HRS.

Dept. Com. No. 63, from the University of Hawai'i dated January 30, 2015, transmitting the Report on the University of Hawai'i at Mānoa John A. Burns School of Medicine Detailed Financial Plan to Fund the Operating Expenses pursuant to Act 2, SLH 2012.

Dept. Com. No. 64, from the Office of the Auditor dated February 3, 2015, transmitting the Fiscal Year 2014 Financial Statement Audit Reports for the Hawai'i Employer-Union Health Benefits Trust Fund, Hawai'i Housing Finance and Development Corporation, and Stadium Authority pursuant to Article VII, Section 10, Hawai'i State Constitution, and as authorized by Chapter 23, HRS.

STANDING COMMITTEE REPORTS

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 9) recommending that S.B. No. 857 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 857, entitled: "A BILL FOR AN ACT RELATING TO THE PREAUDITS OF PROPOSED PAYMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 10) recommending that S.B. No. 970 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 970, entitled: "A BILL FOR AN ACT RELATING TO RENTAL HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 11) recommending that S.B. No. 971, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 971, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 12) recommending that S.B. No. 975 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 975, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 13) recommending that S.B. No. 1014 pass Second Reading and be referred to the Committee on Judiciary and Labor and the Committee on Ways and Means.

Senator Green moved that Stand. Com. Rep. No. 13 be adopted, seconded by Senator Slom.

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

"I reluctantly rise in opposition to Stand. Com. Rep. No. 13 on S.B. No. 1014. I fully support the intent behind this measure. I often hear about compassionate disruption for homeless or houseless people, and unfortunately, the resulting actions often focus on the disruption and not so much the compassion. But I believe the rights enumerated in this bill apply to everybody, and so I reluctantly can't support a measure that provides a special category. Thank you."

The motion was put by the Chair carried, the report of the Committee was adopted and S.B. No. 1014, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSELESS BILL OF RIGHTS," passed Second Reading and was referred to the Committee on Judiciary and Labor and the Committee on Ways and Means, with Senator Thielen voting "No."

Senator Chun Oakland, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 14) recommending that S.B. No. 120, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 120, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 15) recommending that S.B. No. 121 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 121, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 16) recommending that S.B. No. 155 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 155, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 17) recommending that S.B. No. 156 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 156, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 18) recommending that S.B. No. 267 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 267, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 19) recommending that S.B. No. 392 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 392, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ruderman, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 20) recommending that S.B. No. 1060, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1060, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ruderman, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 21) recommending that S.B. No. 521, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 521, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO WAIMEA NUI COMMUNITY DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

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. 231	Committee on Health, then to the Committee on Commerce and Consumer Protection
S.B. No. 612	Committee on Transportation, then jointly to the Committee on Judiciary and Labor and the Committee on Ways and Means
S.B. No. 1280	Jointly to the Committee on Commerce and Consumer Protection and the Committee on Transportation, then to the Committee on Ways and Means
S.B. No. 1295	Jointly to the Committee on Government Operations and the Committee on Economic Development and Technology and the Committee on Energy and Environment, then jointly to the Committee on Commerce and Consumer Protection and the Committee on Ways and Means
S.B. No. 1323	Committee on Energy and Environment, then jointly to the Committee on Commerce and Consumer Protection and the Committee on Ways and Means
S.B. No. 1337	Committee on Human Services and Housing, then to the Committee on Ways and Means
S.B. No. 1338	Committee on Commerce and Consumer Protection, then jointly to the Committee on Judiciary and Labor and the Committee on Ways and Means

ADJOURNMENT

At 11:51 a.m., on motion by Senator Green, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Friday, February 6, 2015.