

ELEVENTH DAY

Friday, February 6, 2015

The Senate of the Twenty-Eighth Legislature of the State of Hawai'i, Regular Session of 2015, convened at 11:40 a.m. with the Vice President in the Chair.

The Roll was called showing all Senators present.

The Vice President announced that he had read and approved the Journal of the Tenth Day.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 18) was read by the Clerk and was deferred:

S.C.R. No. 18 "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO CONVENE A WORKING GROUP TO EXAMINE HAWAII'S ENHANCED SENTENCING AND EXTENDED SENTENCING LAWS."

Offered by: Senators Keith-Agaran, Espero, Ihara, Shimabukuro, Tokuda, English, Wakai.

SENATE RESOLUTION

The following resolution (S.R. No. 4) was read by the Clerk and was disposed of as follows:

S.R. No. 4 "SENATE RESOLUTION AMENDING RULE 16 OF THE RULES OF THE SENATE OF THE TWENTY-EIGHTH LEGISLATURE OF THE STATE OF HAWAII."

Offered by: Senators English, Slom.

Senator English moved that S.R. No. 4 be adopted, seconded by Senator Slom.

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

"Mr. President, the purpose of this resolution today is to adopt the correct version of the Rules. Unfortunately, an error was made. On November 7th, I did, in fact, send out to all of the members the correct version of the purviews for each committee. Unfortunately, as we got closer to session and we were going to adopt the Rules, a wrong version was sent out to the members and we were under the impression that that's what we were adopting.

"Subsequently, the correct version did get printed in our Rules, and that's what we're here for: to make that correction formally. Thank you."

The motion to adopt S.R. No. 4 was put by the Chair and carried.

STANDING COMMITTEE REPORTS

Senator Chun Oakland, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 22) recommending that S.B. No. 980 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. 980, entitled: "A BILL FOR AN ACT RELATING TO AFTERSCHOOL PROGRAMS," 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. 23) recommending that S.B. No. 478, 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. 478, S.D. 1, 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. 24) recommending that S.B. No. 477, 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. 477, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC 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. 25) recommending that S.B. No. 269, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 269, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ORDER," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Chun Oakland, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 26) recommending that S.B. No. 973, 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. 973, S.D. 1, 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 Keith-Agaran, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 27) recommending that S.B. No. 1209 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. 1209, entitled: "A BILL FOR AN ACT RELATING TO THE RETIREMENT OF JUDGES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Keith-Agaran, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 28) recommending that S.B. No. 696, 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. 696, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX CREDITS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Keith-Agaran, for the majority of the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep.

No. 29) recommending that S.B. No. 1011, 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 majority of the Committee was adopted and S.B. No. 1011, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 30) recommending that S.B. No. 225, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 225, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Nishihara, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 31) recommending that S.B. No. 321 pass Second Reading and be referred to the Committee on Judiciary and Labor and 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. 321, entitled: "A BILL FOR AN ACT RELATING TO OPERATING A VEHICLE WHILE UNDER THE INFLUENCE OF AN INTOXICANT," passed Second Reading and was referred to the Committee on Judiciary and Labor and the Committee on Ways and Means.

Senator Nishihara, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 32) recommending that S.B. No. 611 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 611, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS WHILE OPERATING A VEHICLE," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Nishihara, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 33) recommending that S.B. No. 613 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 613, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Keith-Agaran, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 34) recommending that S.B. No. 142 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. 142, entitled: "A BILL FOR AN ACT RELATING TO THE WAILUKU STATE OFFICE MASTER PLAN," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Keith-Agaran, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 35) recommending that S.B. No. 1027, 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. 1027, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," 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. 113	Committee on Health, then to the Committee on Ways and Means
S.B. No. 197	Committee on Public Safety, Intergovernmental and Military Affairs, then to the Committee on Judiciary and Labor
S.B. No. 308	Committee on Health, then to the Committee on Ways and Means
S.B. No. 709	Jointly to the Committee on Higher Education and the Arts and the Committee on Agriculture, then to the Committee on Ways and Means
S.B. No. 1251	Jointly to the Committee on Water and Land and the Committee on Transportation, then to the Committee on Ways and Means
S.B. No. 1303	Jointly to the Committee on Education and the Committee on Agriculture, then to the Committee on Ways and Means
S.B. No. 1369	Jointly to the Committee on Water and Land and the Committee on Transportation, then to the Committee on Ways and Means

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

"Several of us have been aware for the last several weeks that there is a major problem that has been fast developing on the West Coast involving shipping – involving the agents for the shippers, the PMA, and the union, ILWU. The contract has expired; the problems have started to escalate, and without a contract, there needs to be some action taken.

"I'm going to be offering a Senate resolution and a concurrent resolution urging the President of the United States to use his powers under the Taft-Hartley Act to make sure that negotiations will continue and that we will be spared a shipping strike. Already, American Samoa has not received any cargo from the West Coast ports – there are 29 of them – in the past month.

"This action actually is necessary and should be proactive rather than reactive because of all of the states, of course, we would be the one that would suffer most. Some of us remember the last disruption 13 years ago; it did produce hardships. In my opinion, this disruption would be even more severe.

"PMA has indicated that if nothing happens in the next week or two, they will declare a lockout. So it has grave circumstances for Hawai'i, and I will urge my colleagues to sign on to this resolution. Thank you, Mr. President."

Senator Baker rose and stated:

“Just an additional note for the members: When there was a strike the last time, Hawai‘i got an exemption from that particular situation. I know that our governor is aware of that and following it very closely because the request, as I understand it, needs to come from the governor. So hopefully, all things will be settled and we won’t be further impacted, but I appreciate the fact that we all need to be aware of this situation. Mahalo.”

ADJOURNMENT

At 11:46 a.m., on motion by Senator Green, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Monday, February 9, 2015.