

SIXTEENTH DAY

Tuesday, February 17, 2015

The Senate of the Twenty-Eighth Legislature of the State of Hawai'i, Regular Session of 2015, convened at 11:38 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 Fifteenth Day.

Senator Kouchi acknowledged Senate President Kim and Senator Gabbard's moment of contemplation as a potential act for a "Capitol Follies" show.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 208 and 537) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 208, dated February 2, 2015, transmitting the Annual Report of the Public Utilities Commission for the Fiscal Year ending June 30, 2014, pursuant to Section 269-5, HRS, was placed on file.

Gov. Msg. No. 537, submitting for consideration and confirmation as Deputy Director of the Department of Taxation, the nomination of JOSEPH KIM, term to expire December 3, 2018, was referred to the Committee on Ways and Means.

STANDING COMMITTEE REPORTS

Senators Kahele and Wakai, for the Committee on Tourism and International Affairs and the Committee on Economic Development and Technology, presented a joint report (Stand. Com. Rep. No. 163) recommending that S.B. No. 1288, 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 joint report of the Committees was adopted and S.B. No. 1288, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kahele and Wakai, for the Committee on Tourism and International Affairs and the Committee on Economic Development and Technology, presented a joint report (Stand. Com. Rep. No. 164) recommending that S.B. No. 721, 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 joint report of the Committees was adopted and S.B. No. 721, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INNOVATIVE BUSINESS INTERACTION," 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. 165) recommending that S.B. No. 935, 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. 935, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE LICENSING," 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. 166) recommending

that S.B. No. 769, 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. 769, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," 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. 167) recommending that S.B. No. 1041, 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. 1041, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HALEAKALĀ NATIONAL PARK," 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. 168) recommending that S.B. No. 1254 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. 1254, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION," 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. 169) recommending that S.B. No. 1233 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. 1233, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A FEDERAL INSPECTION STATION AT KONA INTERNATIONAL AIRPORT," 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. 170) recommending that S.B. No. 345, 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. 345, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PASSENGERS RIDING IN BED OF PICKUP TRUCKS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Ruderman and Gabbard, for the Committee on Agriculture and the Committee on Energy and Environment, presented a joint report (Stand. Com. Rep. No. 171) recommending that S.B. No. 312, 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 joint report of the Committees was adopted and S.B. No. 312, 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. 172) recommending that S.B. No. 1047, 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. 1047, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PELATRON Q, LLC," 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. 173) recommending that S.B. No. 1042 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. 1042, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR SUNSTRONG LLC, A RENEWABLE ENERGY DEVELOPER SERVING THE GENERAL PUBLIC IN PROVIDING ELECTRIC ENERGY," 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. 174) recommending that S.B. No. 619 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. 619, 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. 175) recommending that S.B. No. 750 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. 750, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST ANAERGIA INCORPORATED," 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. 176) recommending that S.B. No. 618 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. 618, entitled: "A BILL FOR AN ACT RELATING TO SEAWATER AIR CONDITIONING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Gabbard and Dela Cruz, for the Committee on Energy and Environment and the Committee on Government Operations, presented a joint report (Stand. Com. Rep. No. 177) recommending that S.B. No. 711, 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 joint report of the Committees was adopted and

S.B. No. 711, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 178) recommending that S.B. No. 1094, 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. 1094, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 179) recommending that S.B. No. 1338, as amended in S.D. 1, 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. 1338, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH CONNECTOR," passed Second Reading and was referred to the Committee on Judiciary and Labor and the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 180) recommending that S.B. No. 1341, 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. 1341, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE AFFORDABLE CARE ACT INNOVATION WAIVER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Wakai, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 181) recommending that S.B. No. 1157, 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. 1157, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STARLIGHT RESERVE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Wakai, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 182) recommending that S.B. No. 12 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. 12, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS REGULATORY FLEXIBILITY ACT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Wakai, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 183) recommending that S.B. No. 634, 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. 634, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Wakai, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 184) recommending that S.B. No. 1003 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. 1003, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Thielen, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 185) recommending that S.B. No. 1200, 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. 1200, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A SMALL BOAT HARBOR IN SOUTH PUNA," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Thielen, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 186) recommending that S.B. No. 313 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. 313, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII ASSOCIATION OF CONSERVATION DISTRICTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Thielen and Taniguchi, for the Committee on Water and Land and the Committee on Higher Education and the Arts, presented a joint report (Stand. Com. Rep. No. 187) recommending that S.B. No. 204, 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 joint report of the Committees was adopted and S.B. No. 204, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BEACH MANAGEMENT FOR THE NORTH SHORE OF OAHU," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Nishihara and Gabbard, for the Committee on Transportation and the Committee on Energy and Environment, presented a joint report (Stand. Com. Rep. No. 188) recommending that S.B. No. 704, 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 joint report of the Committees was adopted and S.B. No. 704, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Shimabukuro and Ruderman, for the Committee on Hawaiian Affairs and the Committee on Agriculture, presented a joint report (Stand. Com. Rep. No. 189) recommending that S.B. No. 434, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Water and Land.

On motion by Senator Green, seconded by Senator Slom and carried, the joint report of the Committees was adopted and

S.B. No. 434, S.D. 1, entitled: "A BILL FOR AN ACT RELATED TO AGRICULTURE," passed Second Reading and was referred to the Committee on Water and Land.

Senator Shimabukuro, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 190) recommending that S.B. No. 44, as amended in S.D. 1, be recommitted to the Committee on Hawaiian Affairs.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 44, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," was recommitted to the Committee on Hawaiian Affairs.

Senator Chun Oakland, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 191) recommending that S.B. No. 722, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 722, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE INSURANCE," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Chun Oakland, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 192) recommending that S.B. No. 920, 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. 920, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," 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. 193) recommending that S.B. No. 912, 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. 912, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 194) recommending that S.B. No. 866 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. 866, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO SUPPORT THE AFTER-SCHOOL PLUS PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Gabbard, Nishihara, and Dela Cruz, for the Committee on Energy and Environment and the Committee on Transportation and the Committee on Government Operations, presented a joint report (Stand. Com. Rep. No. 195) recommending that S.B. No. 1051, 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 joint report of the Committees was adopted and

S.B. No. 1051, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FUEL CELL ELECTRIC VEHICLES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tokuda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 196) recommending that H.B. No. 1465 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1465, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, THE OMBUDSMAN, AND THE ETHICS COMMISSION," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 18, 2015.

Senator Tokuda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 197) recommending that H.B. No. 930 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 930, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE OFFICE OF THE GOVERNOR," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 18, 2015.

ORDER OF THE DAY

THIRD READING

S.B. No. 1098, S.D. 1:

On motion by Senator Kidani, seconded by Senator Harimoto and carried, S.B. No. 1098, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIBRARIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of Senate concurrent resolutions offered on Friday, February 6, 2015; and Monday, February 9, 2015:

S.C.R. No.:	Referred to:
S.C.R. No. 18	Committee on Judiciary and Labor
S.C.R. No. 19	Committee on Water and Land, then to the Committee on Ways and Means

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. 44, S.D. 1	Jointly to the Committee on Government Operations and the Committee on Hawaiian Affairs, then to the Committee on Ways and Means
S.B. No. 1377	Committee on Water and Land

Senator Shimabukuro invited the members to an event the following day at 1:45 p.m. in Conference Room 224 to meet the Play Rugby USA team, comprised of professional athletes from

New Zealand, whose mission is to reach out to indigenous children and at-risk youth through rugby.

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

"Thank you. I just wanted to, again, thank my colleagues for their generosity and their well-wishes. I was at a resort over the last week – the Kaiser Moanalua resort – and I had kind of a foot problem. But they had me tied down there, and I'm happy to confirm to my colleagues that they did do heart research, and I have a heart. And then they did look for my brain and they did find my brain and did an MRI, and despite some early diagnoses of Opening Day, there was no evidence of anything in my brain that was a thing. And my foot was kind of a problem because they had to take it from out of my mouth to work on it, but they did that.

"So I'm back here, but I do appreciate everything you did. I didn't want anybody to send flowers or cards or anything like that, and when I saw a wreath with a black band coming, I knew that was from the Senate.

"And thank you for designating Senator Nishihara to find out if I were dead. He came over, and we had a good debate for all of the staff over there on rail transit and taxation and things like that.

"You know, in the past 18 years, I had only missed one regular and special floor session in all that time, for a funeral for my then-father-in-law. So my streak is broken now; now I've gone three out of 19 years. But I hope to stay here and do that because I know that when I'm away, Madam President, that there seems to be an even greater rush to have the bad bills pass without any objection. And so I have to make sure that I'm back here to just give you a little bit of balance and a little bit of that.

"But the main thing is, I have said it before, I really enjoy being in the Senate. I enjoy all of you, and I appreciate all of your genuine support. Thank you very much."

ADJOURNMENT

At 11:44 a.m., on motion by Senator Green, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Wednesday, February 18, 2015.