

## FORTY-SEVENTH DAY

Thursday, April 16, 2015

The Senate of the Twenty-Eighth Legislature of the State of Hawai'i, Regular Session of 2015, convened at 11:42 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 Forty-Sixth Day.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 228 to 229 and 869 to 886) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 228, dated April 9, 2015, transmitting the Annual External Review Report, prepared by the Department of Commerce and Consumer Affairs, Insurance Division, pursuant to Section 432E-13, HRS, was placed on file.

Gov. Msg. No. 229, dated April 9, 2015, transmitting the Report on the Implementation of the Pilot Feedmill Project, prepared by the Department of Agriculture pursuant to Act 122, SLH 2012, was placed on file.

Gov. Msg. No. 869, informing the Senate that on April 13, 2015, the Governor withdrew the nomination of JUSTIN GRUENSTEIN to the Board of Registration of the Island of O'ahu, under Gov. Msg. Nos. 842 and 843 dated April 8, 2015, from consideration by the Senate, was placed on file.

In compliance with Gov. Msg. No. 869, the nominations listed under Gov. Msg. Nos. 842 and 843 were returned.

Gov. Msg. No. 870, informing the Senate that on April 14, 2015, the Governor withdrew the nomination of KIMAN WONG to the Enhanced 911 Board, under Gov. Msg. No. 759 dated April 3, 2015, from consideration by the Senate, was placed on file.

In compliance with Gov. Msg. No. 870, the nomination listed under Gov. Msg. No. 759 was returned.

Gov. Msg. No. 871, informing the Senate that on April 10, 2015, the Governor withdrew the nomination of DIANA VAN DE CAR to the Land Use Commission, under Gov. Msg. No. 814 dated April 2, 2015, from consideration by the Senate, was placed on file.

In compliance with Gov. Msg. No. 871, the nomination listed under Gov. Msg. No. 814 was returned.

Gov. Msg. No. 872, informing the Senate that on April 13, 2015, the Governor withdrew the nomination of DOUGLAS G. MERSBERG to the Early Learning Advisory Board, under Gov. Msg. No. 786 dated April 2, 2015, from consideration by the Senate, was placed on file.

In compliance with Gov. Msg. No. 872, the nomination listed under Gov. Msg. No. 786 was returned.

Gov. Msg. No. 873, informing the Senate that on April 14, 2015, the Governor withdrew the nomination of JOHN KEENE to the Health Planning Council, Windward Oahu Subarea, under Gov. Msg. No. 792 dated April 3, 2015, from consideration by the Senate, was placed on file.

In compliance with Gov. Msg. No. 873, the nomination listed under Gov. Msg. No. 792 was returned.

Gov. Msg. No. 874, letter dated April 13, 2015, making a correction to Gov. Msg. No. 626, was placed on file.

Gov. Msg. No. 875, submitting for consideration and confirmation to the Board of Naturopathic Medicine, the nomination of DR. KATHRYN TAKETA-WONG term to expire June 30, 2018, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 876, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of GEORGE MASSENGALE term to expire June 30, 2016, was referred to the Committee on Human Services and Housing.

Gov. Msg. No. 877, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of GWEN KELIHOOMALU term to expire June 30, 2017, was referred to the Committee on Human Services and Housing.

Gov. Msg. No. 878, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of MARK TRAVALINO term to expire June 30, 2016, was referred to the Committee on Human Services and Housing.

Gov. Msg. No. 879, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of MICHELE KU term to expire June 30, 2018, was referred to the Committee on Human Services and Housing.

Gov. Msg. No. 880, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of RENE BERTHIAUME term to expire June 30, 2018, was referred to the Committee on Human Services and Housing.

Gov. Msg. No. 881, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of RODERICK MACDONALD term to expire June 30, 2016, was referred to the Committee on Human Services and Housing.

Gov. Msg. No. 882, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of LANELLE YAMANE term to expire June 30, 2016, was referred to the Committee on Human Services and Housing.

Gov. Msg. No. 883, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of KRISTINE TAKEKAWA term to expire June 30, 2017, was referred to the Committee on Human Services and Housing.

Gov. Msg. No. 884, submitting for consideration and confirmation to the Hoisting Machine Operators Advisory Board, the nomination of ANGELA CHINEN term to expire June 30, 2018, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 885, submitting for consideration and confirmation as the Compact Administrator for Interstate Adult Offender Supervision, the nomination of SIDNEY H. NAKAMOTO term to expire December 3, 2018, was referred to the Committee on Public Safety, Intergovernmental and Military Affairs.

Gov. Msg. No. 886, informing the Senate that on April 9, 2015, the Governor withdrew the nomination of T. AULANI WILHELM to Land Use Commission, under Gov. Msg. No. 817 dated April 2, 2015, from consideration by the Senate, was placed on file.

In compliance with Gov. Msg. No. 886, the nomination listed under Gov. Msg. No. 817 was returned.

**HOUSE COMMUNICATIONS**

The following communications from the House (Hse. Com. Nos. 468 to 615) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 468, informing the Senate that on April 14, 2015, the House disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 87 (S.D. 2);  
H.B. No. 271, H.D. 2 (S.D. 1);  
H.B. No. 279, H.D. 2 (S.D. 1);  
H.B. No. 393, H.D. 2 (S.D. 2);  
H.B. No. 500, H.D. 1 (S.D. 1);  
H.B. No. 589, H.D. 1 (S.D. 1);  
H.B. No. 770, H.D. 1 (S.D. 1);  
H.B. No. 1099, H.D. 2 (S.D. 2);  
H.B. No. 1272, H.D. 2 (S.D. 2); and  
H.B. No. 1297, H.D. 1 (S.D. 1),

was placed on file.

Hse. Com. No. 469, returning S.B. No. 1134, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

Hse. Com. No. 470, returning S.B. No. 1183, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

Hse. Com. No. 471, returning S.B. No. 1212, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

Hse. Com. No. 472, returning S.B. No. 14, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 14, S.D. 1, seconded by Senator Taniguchi.

Senator Baker noted:

"Thank you, Madam President. This is essentially the Senate bill: The House Draft 1 defected the date; House Draft 2 cleaned the date."

The motion was then put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 14, S.D. 1, and S.B. No. 14, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE," was placed on the calendar for Final Reading on Friday, April 17, 2015.

Hse. Com. No. 473, returning S.B. No. 17, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 17, and requested a conference on the subject matter thereof.

Hse. Com. No. 474, returning S.B. No. 40, S.D. 3, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 40, S.D. 3, and requested a conference on the subject matter thereof.

Hse. Com. No. 475, returning S.B. No. 64, S.D. 3, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 64, S.D. 3, and requested a conference on the subject matter thereof.

Hse. Com. No. 476, returning S.B. No. 92, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 92, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 477, returning S.B. No. 100, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 100, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 478, returning S.B. No. 101, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 101, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 479, returning S.B. No. 104, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 104, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 480, returning S.B. No. 105, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 105, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 481, returning S.B. No. 113, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 113, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 482, returning S.B. No. 118, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 118, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 483, returning S.B. No. 140, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 140, and requested a conference on the subject matter thereof.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 286, S.D. 2, and requested a conference on the subject matter thereof.



On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 717, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 535, returning S.B. No. 736, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 736, S.D. 1, seconded by Senator Keith-Agaran.

Senator Baker noted:

“Thank you, Madam President. House Draft 1 defected the date; House Draft 2 cleaned the date. It’s essentially the Senate position.”

The motion was then put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 736, S.D. 1, and S.B. No. 736, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE,” was placed on the calendar for Final Reading on Friday, April 17, 2015.

Hse. Com. No. 536, returning S.B. No. 737, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 737, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 537, returning S.B. No. 743, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 743, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 538, returning S.B. No. 754, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 754, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 539, returning S.B. No. 756, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 756, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 540, returning S.B. No. 768, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 768, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 541, returning S.B. No. 778, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 778, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 542, returning S.B. No. 786, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 786, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 543, returning S.B. No. 791, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 791, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 544, returning S.B. No. 822, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

Senator Kidani moved that the Senate agree to the amendments proposed by the House to S.B. No. 822, S.D. 1, seconded by Senator Keith-Agaran.

Senator Kidani noted:

“Senate Bill 822 represents a consensus among the affected parties and testimony was received in support of the bill from DOE, HSTA, HE’E, IMUAlliance, and numerous teachers who testified as individuals. The bill before us changes the minimum hour requirements to include the full school day in alignment with the state’s General Learner Outcomes and becomes effective upon approval.”

The motion was then put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 822, S.D. 1, and S.B. No. 822, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” was placed on the calendar for Final Reading on Friday, April 17, 2015.

Hse. Com. No. 545, returning S.B. No. 826, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 826, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 546, returning S.B. No. 831, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 831, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 547, returning S.B. No. 854, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 854, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 548, returning S.B. No. 868, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

Hse. Com. No. 565, returning S.B. No. 1042, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

Hse. Com. No. 582, returning S.B. No. 1117, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.



Hse. Com. No. 599, returning S.B. No. 1228, S.D. 2, as amended in H.D. 3, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1228, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 600, returning S.B. No. 1260, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1260, and requested a conference on the subject matter thereof.

Hse. Com. No. 601, returning S.B. No. 1262, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1262, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 602, returning S.B. No. 1280, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1280, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 603, returning S.B. No. 1291, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1291, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 604, returning S.B. No. 1295, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1295, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 605, returning S.B. No. 1297, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1297, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 606, returning S.B. No. 1299, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1299, and requested a conference on the subject matter thereof.

Hse. Com. No. 607, returning S.B. No. 1305, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1305, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 608, returning S.B. No. 1312, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1312, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 609, returning S.B. No. 1316, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1316, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 610, returning S.B. No. 1324, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1324, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 611, returning S.B. No. 1338, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1338, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 612, returning S.B. No. 1345, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1345, and requested a conference on the subject matter thereof.

Hse. Com. No. 613, returning S.B. No. 1361, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1361, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 614, returning S.B. No. 1367, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 14, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1367, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 615, informing the Senate that on April 16, 2015, the Speaker appointed conferees on the part of the House for the consideration of amendments proposed by the Senate to the following House bill:

H.B. No. 500, H.D. 1 (S.D. 1):

Representatives Luke, chair; Cachola, Cullen, DeCoite, Johanson, Jordan, Keohokalole, Kobayashi, Lowen, Nishimoto, Onishi, Tokioka, Yamashita, Pouha, Ward.

**STANDING COMMITTEE REPORTS**

Senator Thielen, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1564) recommending that the Senate advise and consent to the nominations to the Kokee State Park Advisory Council of the following:

MADELINE GUYETT, in accordance with Gov. Msg. No. 703; and

MADELINE GUYETT, in accordance with Gov. Msg. No. 704.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1564 and Gov. Msg. Nos. 703 and 704 was deferred until Friday, April 17, 2015.

Senator Tokuda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1565) recommending that the Senate advise and consent to the nomination of JOSEPH KIM as Deputy Director of the Department of Taxation, in accordance with Gov. Msg. No. 537.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1565 and Gov. Msg. No. 537 was deferred until Friday, April 17, 2015.

**ORDER OF THE DAY****AGREE/DISAGREE****MATTERS DEFERRED FROM  
TUESDAY, APRIL 14, 2015**

S.B. No. 388 (H.D. 1):

Senator Espero moved that the Senate agree to the amendments proposed by the House to S.B. No. 388, seconded by Senator Baker.

Senator Espero noted:

“Thank you, Madam President. Colleagues, this measure requires that each county police department post its policies relating to domestic violence, officer-involved domestic violence, and standards of conduct on its official website. And the reason why we are agreeing is that they just took our introduction, our preamble, and made it shorter, so we made a four-page bill into a one-and-a-half-page bill.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 388, and S.B. No. 388, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO POLICE DEPARTMENTS,” was placed on the calendar for Final Reading on Friday, April 17, 2015.

S.B. No. 1113, S.D. 2 (H.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1113, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 2, S.D. 2 (H.D. 2):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 550, S.D. 1 (H.D. 2):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 550, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 987, S.D. 1 (H.D. 1):

Senator Taniguchi moved that the Senate agree to the amendments proposed by the House to S.B. No. 987, S.D. 1, seconded by Senator Keith-Agaran.

Senator Taniguchi noted:

“Thank you, Madam President. Senate Bill 987 amends HRS Chapter 305J to clarify that under the Hawaii Post-Secondary Education Authorization Program, institutions may request an administrative hearing pursuant to HRS Chapter 91 for proceedings concerning denials, suspensions, or terminations. We are agreeing because the House just amended the measure to be effective upon its approval.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 987, S.D. 1, and S.B. No. 987, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO POST-SECONDARY EDUCATION,” was placed on the calendar for Final Reading on Friday, April 17, 2015.

S.B. No. 1131, S.D. 2 (H.D. 2):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1131, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 320, S.D. 1 (H.D. 2):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 320, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 434, S.D. 2 (H.D. 1):

Senator Shimabukuro moved that the Senate agree to the amendments proposed by the House to S.B. No. 434, S.D. 2, seconded by Senator Ruderman.

Senator Shimabukuro noted:

“There are no substantial differences between these two; this is part of OHA’s package, and OHA is supportive of the language in this bill.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 434, and S.B. No. 434, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATED TO AGRICULTURE,” was placed on the calendar for Final Reading on Friday, April 17, 2015.

S.B. No. 211, S.D. 1 (H.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 211, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 214, S.D. 1 (H.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 214, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 218, S.D. 1 (H.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 218, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 233, S.D. 1 (H.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 233, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 419, S.D. 2 (H.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 419, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 1219, S.D. 2 (H.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1219, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 139, S.D. 1 (H.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 139, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 223, S.D. 1 (H.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 223, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 283, S.D. 1 (H.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 283, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 569, S.D. 1 (H.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 569, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 589, S.D. 2 (H.D. 2):

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 589, S.D. 2, seconded by Senator Keith-Agaran.

Senator Baker noted:

“Thank you, Madam President. This is a very important bill for the residents on the Big Island who live in lava zones. This is ensuring that they will be able to purchase property insurance and, upon passage of this measure, the moratorium on such purchases will be lifted. The House just made some technical, nonsubstantive amendments. Thank you.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 589, S.D. 2, and S.B. No. 589, S.D. 2, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE,” was placed on the calendar for Final Reading on Friday, April 17, 2015.

S.B. No. 611, S.D. 1 (H.D. 2):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 611, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 841, S.D. 2 (H.D. 2):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 841, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 971, S.D. 1 (H.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 971, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 974, S.D. 1 (H.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 974, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 982, S.D. 1 (H.D. 2):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 982, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 1062, S.D. 2 (H.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1062, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 1074, S.D. 1 (H.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1074, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 1076, S.D. 1 (H.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1076, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 1077, S.D. 1 (H.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1077, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 1078, S.D. 1 (H.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1078, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 1079, S.D. 1 (H.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1079, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 1080, S.D. 1 (H.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1080, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 1081, S.D. 1 (H.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1081, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 1082, S.D. 1 (H.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1082, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 1083, S.D. 1 (H.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1083, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 1084, S.D. 1 (H.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1084, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 1090, S.D. 2 (H.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1090, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 1107 (H.D. 2):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1107, and requested a conference on the subject matter thereof.

S.B. No. 1156, S.D. 1 (H.D. 1):

Senator Keith-Agaran moved that the Senate agree to the amendments proposed by the House to S.B. No. 1156, S.D. 1, seconded by Senator Shimabukuro.

Senator Keith-Agaran noted:

“This version is essentially the Senate draft with an effective date.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1156, S.D. 1, and S.B. No. 1156, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSES OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS,” was placed on the calendar for Final Reading on Friday, April 17, 2015.

S.B. No. 1166, S.D. 2 (H.D. 2):

On motion by Senator Green, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1166, S.D. 2, and requested a conference on the subject matter thereof.

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 1562 (Gov. Msg. No. 501):

Senator Ruderman moved that Stand. Com. Rep. No. 1562 be received and placed on file, seconded by Senator Riviere and carried.

Senator Ruderman then moved that the Senate advise and consent to the nomination of SCOTT ENRIGHT as Chairperson of the Department of Agriculture, term to expire December 31, 2018, seconded by Senator Riviere.

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

“Thank you, Madam President. Over the past 38 years, Scott Enright has lived and worked on each of the five major islands in Hawai‘i, and for 23 years has resided on the Hamakua Coast of the island of Hawai‘i. He brings with him a comprehensive understanding of agricultural business and economics in Hawai‘i, including extensive firsthand knowledge of bioenergy fuel stock and an in-depth understanding on land use planning and policy as it pertains to agriculture in Hawai‘i.

“Scott has a strong working knowledge of sustainable, multi-use agricultural models that encompass crop diversity, livestock management, forestry, waste-to-energy, and affordable worker housing, coupled with a strong background in community building.

“Scott has been director of the Department of Agriculture since January 2014, and deputy director for the previous two years. Director Enright serves as the national chair of NASDA, the National Association of State Departments of Agriculture. This prestigious position may be useful to Hawai‘i in many ways, and Hawai‘i is honored to be hosting the national convention of this organization this summer on the Big Island.

“In your committee, we heard enthusiastic support from a broad spectrum of the community. We were particularly impressed with the fact that the nominee enjoys support from every sector of ag, from large-scale industries, including biotech, to small farmers and the organic farming community. This ability to relate to and support all kinds of farmers is exactly what we need in Hawai‘i today.

“I’m grateful such a strong candidate chooses continued service to our state. I urge my colleagues to confirm Scott Enright as director of the Department of Agriculture, and I’m confident your support will be rewarded with an excellent, competent stewardship of the Department of Agriculture. Thank you, Madam President.”

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

“On behalf of the Senate Minority, we fully support the nominee. And in addition to the things that were just said about him from the Agriculture chairman, I think it’s important to note that a number of people who were in opposition to his nomination have come forward and said how he reached out to them, how he listened, and how he provided results. So, I concur with the remarks by the good senator from the island of Hawai‘i. He is the right man for this position. Thank you.”

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

“I just would briefly touch on what my colleague from Hawai‘i Kai said. He has a unique gift to go into a room for a contentious hearing and take the temperature down. And in the last several years, there’s been an alarming trend of people coming out to public meetings and acting in a disruptive way, taking over meetings, and having people cancel the meetings. I cannot underscore how valuable the skill that Chair Enright has to walk into the room, to make everyone feel that they will be fairly heard, and he has the knowledge in which to exchange with the participants so that they know that there is someone who will be able to make a good decision because he has the knowledge and the background to address the problems that they are there to discuss. Thank you.”

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

"I have had the great pleasure of working with Chairman Enright; although I don't know that he would call it a pleasure working with me in return. I represent a district which includes a lot of nurseries and small farms, and there's a tremendous demand for his time and attention, and he has been very, very generous with his time and attention for people. We are fortunate to have somebody who is willing to put that effort in, especially somebody who lives on a neighbor island and is commuting. So mahalo to the nominee."

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

"I'd like to also echo the sentiments of the previous speakers. I've had to work with Mr. Enright; I've found him to be someone who's well-capable to handle the various controversies that come up before Agriculture. I know that he's well-regarded – you can trust his word. He's a person of deep character, and, certainly, he can handle whatever controversial issues that have come up, and there have been a number of them. I've only found him to be open and willing to listen to the other side and to do all he can to further the agricultural industry in Hawai'i. So, I rise in strong support for him and ask other members as well to support him. Thank you."

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

"I just want to acknowledge the hard work of the incoming chair with the Whitmore Project. It's probably the largest undertaking for agriculture the state's seen in recent years, and because of his leadership and his participation in the ADC board, it's going to be real as part of all of our terms – within the time we're elected, we'll see the fruits of our labor. It's not something we're going to see 20, 30 years down the line. So, I really appreciate his help and ask all of you to support his confirmation. Thank you."

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

"I've known Scott for many, many years and always knew that he had the qualities to serve in this position, as well as the experience and all of that will be brought to the Department of Agriculture. So, I welcome Scott; ask my colleague for your support; and hope that we'll work closely together, Scott. Thank you very much."

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

Ayes, 25. Noes, none.

At this time, Senator Ruderman introduced Scott Enright, newly confirmed director of the Department of Agriculture, who was present in the gallery.

Stand. Com. Rep. No. 1563 (Gov. Msg. No. 502):

Senator Ruderman moved that Stand. Com. Rep. No. 1563 be received and placed on file, seconded by Senator Riviere and carried.

Senator Ruderman then moved that the Senate advise and consent to the nomination of PHYLLIS SHIMABUKURO-GEISER as Deputy Chairperson of the Department of Agriculture, term to expire December 3, 2018, seconded by Senator Riviere.

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

"Phyllis Shimabukuro-Geiser is a third-generation descendant from a farming family which produced pineapple on Maui and then diversified into tomatoes and fresh eggs on O'ahu. Phyllis earned both bachelor and master of science degrees in agriculture and wants to dedicate the rest of her career using her 30 years of experience in farming to help the farmers, ranchers, and the State of Hawai'i toward sustainability, food resiliency, and quality of life. She states: 'Helping to feed our people with more locally produced foods is the noblest gift I can offer through public service.'"

"I'm grateful to see an actual food farmer appointed to this position, as I know she understands the challenges facing Hawai'i's farmers from a firsthand, real-life perspective. Her knowledge and experience will be a great asset to the director and to the department. Your committee was extremely impressed with the outpouring of support for Ms. Shimabukuro-Geiser and with her remarkable ability to truly listen and communicate clearly. Also, her deep-rooted sense of community and genuine respect for all were apparent."

"I'm pleased that Ms. Shimabukuro-Geiser wants to serve our state in this capacity, and I urge my colleagues to support her as deputy director of the Department of Agriculture. Thank you."

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

"I've known Ms. Shimabukuro-Geiser for many years. She's smart; she's articulate; and she brings a wealth of knowledge to this position. She'll be a very good help to the department head and to the people of Hawai'i. We talk about the importance of agriculture all the time – here's someone who's brought us our daily eggs for many years. Thank you."

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

Ayes, 25. Noes, none.

At this time, Senator Ruderman introduced newly confirmed Deputy Director Phyllis Shimabukuro-Geiser, who was present in the gallery with Governor David Y. Ige and his Chief of Staff Mike McCartney, and supporters from the Department of Agriculture.

At 12:04 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:15 p.m.

Senator Ruderman introduced other supporters of Deputy Director Phyllis Shimabukuro-Geiser who were present in the gallery, including her mother, Sue Shimabukuro; her sister, Lois Shimabukuro-Miyake; and her husband, Andy Geiser.

## ADOPTION OF A RESOLUTION

### MATTER DEFERRED FROM TUESDAY, APRIL 14, 2015

Stand. Com. Rep. No. 1561 (S.R. No. 126, S.D. 1):

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 126, S.D. 1, entitled: "SENATE RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION TO ESTABLISH A VOLUNTARY FARM TO SCHOOL PROGRAM," was adopted.

### REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The President made the following committee assignments of House concurrent resolutions received on Thursday, April 9, 2015:

H.C.R. No.:	Referred to:
H.C.R. No. 162	Jointly to the Committee on Tourism and International Affairs and the Committee on Commerce and Consumer Protection
H.C.R. No. 178, H.D. 1	Jointly to the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Ways and Means
H.C.R. No. 189, H.D. 1	Committee on Economic Development and Technology

### RE-REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The Chair re-referred the following House concurrent resolutions that were received:

H.C.R. No.:	Referred to:
H.C.R. No. 162	Committee on Tourism and International Affairs
H.C.R. No. 212	Committee on Ways and Means

Senator Gabbard announced that his office would be selling his signature lasagna to benefit the Hawai'i Foodbank, then strongly urged the members' participation in the upcoming Capitol Idol talent show.

Senator Thielen suggested that a group of senators perform a rendition of "Opihi Man" at the talent show to benefit the Hawai'i Foodbank.

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

"Colleagues, in yesterday's *Star-Advertiser*, in the obituaries, we got notice of the passing of Dick Neill, at 83 years old, who was one of the early advocates and pioneers for renewable energy in our state. And I quote from the obituary: 'From 1976 to 1978, Dick worked as a State Senate Energy Committee Clerk for Chairman Senator T.C. Yim on obtaining funding for renewable energy. In 1978, he became a program manager at the University of Hawai'i's Hawaii Natural Energy Institute for renewable energy projects such as wind, solar, geothermal, PV, and electric vehicles. He worked at HNEI for nearly 15 years.' So, Madam President, may I request that the Senate adjourn on a rising vote and observe a moment of silence in honor and memory of Dick Neill? Mahalo." (The Chair so ordered.)

The Chair then made the following announcement:

"Conferees are named in accordance with the action sheets to be updated later this afternoon."

### APPOINTMENT OF CONFEREES

H.B. No. 500, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 500, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Tokuda, chair; Kouchi, Chun Oakland, Dela Cruz, English, Galuteria, Harimoto, Inouye, Riviere, and Ruderman as managers on the part of the Senate at such conference.

### ADJOURNMENT

At 12:21 p.m., on motion by Senator Green, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Friday, April 17, 2015, on a rising vote, observing a moment of silence for Dick Neill.