

FIFTY-FOURTH DAY

Monday, April 27, 2015

The Senate of the Twenty-Eighth Legislature of the State of Hawai'i, Regular Session of 2015, convened at 11:35 a.m. with the President in the Chair.

The Roll was called showing all Senators present with the exception of Senators English, Kidani, and Nishihara who were excused.

The President announced that she had read and approved the Journal of the Fifty-Third Day.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 84 to 86) were read by the Clerk and were placed on file:

Dept. Com. No. 84, from the Office of the Auditor dated April 13, 2015, transmitting the report, "Financial and Program Audit of the Deposit Beverage Container Program, June 30, 2014" (Report No. 15-02) pursuant to Section 23-9, HRS.

Dept. Com. No. 85, from the Office of the Auditor dated April 14, 2015, transmitting its 2014 Annual Report pursuant to Section 23-9, HRS.

Dept. Com. No. 86, from the Office of the Auditor dated April 17, 2015, transmitting the Fiscal Year 2014 Financial Statement Audit Reports for the Department of the Attorney General, Department of Transportation – Highways Division, and O'ahu Metropolitan Planning Organization pursuant to Article VII, Section 10, Hawai'i State Constitution, and as authorized by Chapter 23, HRS.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 633 to 636) were read by the Clerk and were placed on file:

Hse. Com. No. 633, informing the Senate that on April 24, 2015, the House reconsidered its action taken on April 9, 2015, in disagreeing to the amendments proposed by the Senate to H.B. No. 354, H.D. 2 (S.D. 1).

Hse. Com. No. 634, informing the Senate that on April 24, 2015, the House reconsidered its action taken on April 16, 2015, in disagreeing to the amendments proposed by the Senate to H.B. No. 525, H.D. 2 (S.D. 2).

Hse. Com. No. 635, informing the Senate that on April 24, 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. 770, H.D. 1 (S.D. 1):

Representatives McKelvey, Luke, co-chairs; Hashem, McDermott.

Hse. Com. No. 636, informing the Senate that on April 24, 2015, the Speaker made the following changes to the conferees on the following bills:

H.B. No. 775, H.D. 1 (S.D. 1):

Representative Nishimoto added as co-chair.

Representative Cachola discharged as co-chair.

S.B. No. 654, S.D. 1 (H.D. 2):

Representative Cachola added as co-chair.

Representative Nishimoto discharged as co-chair.

S.B. No. 768, S.D. 1 (H.D. 1):

Representative Cachola added as co-chair.

Representative Nishimoto discharged as co-chair.

CONFERENCE COMMITTEE REPORT

Senator Keith-Agaran, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 952, H.D. 2, presented a report (Conf. Com. Rep. No. 1) recommending that H.B. No. 952, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 1 and H.B. No. 952, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAGES AND HOURS ON PUBLIC WORKS LAW," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS
AND
ADOPTION OF RESOLUTIONS

Senators Espero and Tokuda, for the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 1693) recommending that H.C.R. No. 178, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Green, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 178, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO DEVELOP A MODERNIZED OAHU COMMUNITY CORRECTIONAL CENTER IN THE VICINITY OF THE HALAWA CORRECTIONAL FACILITY THROUGH A PUBLIC-PRIVATE PARTNERSHIP," was adopted.

Senator Tokuda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1694) recommending that H.C.R. No. 185, S.D. 1 be adopted.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 185, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF FOUR TERM, NON-EXCLUSIVE EASEMENTS COVERING PORTIONS OF STATE SUBMERGED LANDS AT STABLE ROAD BEACH, STABLE ROAD, SPRECKELSVILLE, WAILUKU, MAUI, FOR THE USE, MAINTENANCE, AND REPAIR OF FOUR EXISTING ROCK GROINS," was adopted.

Senator Tokuda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1695) recommending that H.C.R. No. 78, S.D. 1 be adopted.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 78, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR AND DEPARTMENT OF TRANSPORTATION TO INCLUDE IN THE 2017-2018 SUPPLEMENTAL CAPITAL IMPROVEMENT PROGRAM REQUEST IMPROVEMENTS TO CRUISE SHIP PASSENGER TERMINALS AT NAWILIWILI HARBOR IN KAUAI, HONOLULU HARBOR IN OAHU, KAHULUI HARBOR IN MAUI, AND HILO HARBOR IN HAWAII," was adopted.

Senator Tokuda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1696) recommending that H.C.R. No. 73, S.D. 1 be adopted.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 73, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT LAHAINA, MAUI FOR SEAWALL ENCROACHMENT PURPOSES AND AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT FOR THE RIGHT, PRIVILEGE, AND AUTHORITY TO USE, MAINTAIN, REPAIR, AND REPLACE AN EXISTING SEAWALL OVER, UNDER, AND ACROSS STATE-OWNED LAND IN LAHAINA, MAUI," was adopted.

STANDING COMMITTEE REPORTS

Senator Tokuda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1697) recommending that H.C.R. No. 212 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1697 and H.C.R. No. 212, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING FEDERAL AND STATE AGENCIES TO CONSULT WITH HAWAII SMALL SCALE FARMERS, HAWAII SMALL SCALE PRODUCERS, AND AFFECTED PARTIES ON THE OFFSETTING OF COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THE FOOD SAFETY MODERNIZATION ACT," was deferred until Tuesday, April 28, 2015.

Senator Tokuda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1698) recommending that H.C.R. No. 182 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1698 and H.C.R. No. 182, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A TRAFFIC STUDY AND MAKE RECOMMENDATIONS TO ALLEVIATE TRAFFIC CONGESTION ON KAHEKILI HIGHWAY FROM THE LIKELIKE HIGHWAY INTERSECTION TO KAMEHAMEHA HIGHWAY," was deferred until Tuesday, April 28, 2015.

Senator Tokuda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1699) recommending that H.C.R. No. 34, H.D. 1 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1699 and H.C.R. No. 34, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIMANALO, KOOLAPOKO, OAHU, FOR THE USE, MAINTENANCE, AND REPAIR OF THE EXISTING SEAWALL AND STEPS," was deferred until Tuesday, April 28, 2015.

Senator Tokuda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1700) recommending that H.C.R. No. 29 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1700 and H.C.R. No. 29, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, AFTER CONSULTATION WITH THE DEPARTMENT OF TRANSPORTATION, TO DETERMINE THE COST OF PLACING AN OVERPASS OVER THE H-1 FREEWAY TO EXTEND BETWEEN NUUANU STREAM AND QUEEN

EMMA STREET THAT WOULD REDUCE TRAFFIC NOISE POLLUTION AND BE USED AS A PARK OR OTHER COMMUNITY USE PURPOSE," was deferred until Tuesday, April 28, 2015.

Senator Ruderman, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1701) recommending that the Senate advise and consent to the nomination of SIMON RUSSELL to the Board of Agriculture, in accordance with Gov. Msg. No. 718.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1701 and Gov. Msg. No. 718 was deferred until Tuesday, April 28, 2015.

Senator Ruderman, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1702) recommending that the Senate advise and consent to the nominations to the Board of Directors of the Agribusiness Development Corporation of the following:

DENISE ALBANO, in accordance with Gov. Msg. No. 719;

LLOYD HARAGUCHI, in accordance with Gov. Msg. No. 720;

LLOYD HARAGUCHI, in accordance with Gov. Msg. No. 721;

MARGARITA HOPKINS, in accordance with Gov. Msg. No. 722; and

YUKIO KITAGAWA, in accordance with Gov. Msg. No. 723.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1702 and Gov. Msg. Nos. 719, 720, 721, 722 and 723 was deferred until Tuesday, April 28, 2015.

Senator Keith-Agaran, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1703) recommending that the Senate advise and consent to the nomination of LINDA CHU TAKAYAMA as Director of the Department of Labor and Industrial Relations, in accordance with Gov. Msg. No. 844.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1703 and Gov. Msg. No. 844 was deferred until Tuesday, April 28, 2015.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1678 (Gov. Msg. Nos. 621 and 622):

Senator Baker moved that Stand. Com. Rep. No. 1678 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Board of Massage Therapy of the following:

GEORGE DAVIS, term to expire June 30, 2019 (Gov. Msg. No. 621); and

PAULA BEHNKEN, term to expire June 30, 2018 (Gov. Msg. No. 622),

seconded by Senator Taniguchi.

Senator Baker rose to speak in support of the nominees as follows:

"Thank you, Madam President. For the boards and commissions under the jurisdiction of your Committee on Commerce and Consumer Protection, I'd just like to note for the record that we have some excellent nominees, and I would

highly request all of my colleagues to vote up on these wonderful nominees. Thank you.”

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

Ayes, 22. Noes, none. Excused, 3 (English, Kidani, Nishihara).

Stand. Com. Rep. No. 1679 (Gov. Msg. No. 624):

Senator Baker moved that Stand. Com. Rep. No. 1679 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of JENEE ODANI to the Board of Veterinary Examiners, term to expire June 30, 2019, seconded by Senator Taniguchi.

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

“Thank you, Madam President. For the boards and commissions under the jurisdiction of your Committee on Commerce and Consumer Protection, I’d just like to note for the record that we have some excellent nominees, and I would highly request all of my colleagues to vote up on these wonderful nominees. Thank you.”

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

Ayes, 22. Noes, none. Excused, 3 (English, Kidani, Nishihara).

Stand. Com. Rep. No. 1680 (Gov. Msg. No. 625):

Senator Baker moved that Stand. Com. Rep. No. 1680 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of TIMOTHY O. BRYAN to the Cable Advisory Board, term to expire June 30, 2019 (Cable Advisory Board amended to Cable Advisory Committee by Gov. Msg. No. 756), seconded by Senator Taniguchi.

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

“Thank you, Madam President. For the boards and commissions under the jurisdiction of your Committee on Commerce and Consumer Protection, I’d just like to note for the record that we have some excellent nominees, and I would highly request all of my colleagues to vote up on these wonderful nominees. Thank you.”

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

Ayes, 22. Noes, none. Excused, 3 (English, Kidani, Nishihara).

Stand. Com. Rep. No. 1681 (Gov. Msg. No. 626):

Senator Baker moved that Stand. Com. Rep. No. 1681 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of NANTE MANANGAN to the State Boxing Commission of Hawaii, term to expire June 30, 2019 (as amended by Gov. Msg. No. 874), seconded by Senator Taniguchi.

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

“Thank you, Madam President. For the boards and commissions under the jurisdiction of your Committee on Commerce and Consumer Protection, I’d just like to note for the record that we have some excellent nominees, and I would highly request all of my colleagues to vote up on these wonderful nominees. Thank you.”

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

Ayes, 22. Noes, none. Excused, 3 (English, Kidani, Nishihara).

Stand. Com. Rep. No. 1682 (Gov. Msg. Nos. 728, 729, 730 and 731):

Senator Baker moved that Stand. Com. Rep. No. 1682 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Board of Electricians and Plumbers of the following:

MATTHEW BRADY, term to expire June 30, 2019 (Gov. Msg. No. 728);

PHILLIP LUCERO, term to expire June 30, 2015 (Gov. Msg. No. 729);

PHILLIP LUCERO, term to expire June 30, 2018 (Gov. Msg. No. 730); and

VERNON TA’A, term to expire June 30, 2019 (Gov. Msg. No. 731),

seconded by Senator Taniguchi.

Senator Baker rose to speak in support of the nominees as follows:

“Thank you, Madam President. For the boards and commissions under the jurisdiction of your Committee on Commerce and Consumer Protection, I’d just like to note for the record that we have some excellent nominees, and I would highly request all of my colleagues to vote up on these wonderful nominees. Thank you.”

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

Ayes, 22. Noes, none. Excused, 3 (English, Kidani, Nishihara).

Stand. Com. Rep. No. 1683 (Gov. Msg. Nos. 732, 733, 734 and 735):

Senator Baker moved that Stand. Com. Rep. No. 1683 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Board of Examiners in Optometry of the following:

GAYLE C. CHANG, term to expire June 30, 2019 (Gov. Msg. No. 732);

DR. GEFREY E. REYNOLDS, term to expire June 30, 2019 (Nominee’s name amended to DR. GEOFFREY E. REYNOLDS by Gov. Msg. No. 755) (Gov. Msg. No. 733);

DR. JERE H. E. LOO, term to expire June 30, 2019 (Gov. Msg. No. 734); and

DR. SEULYN K.L. AU, term to expire June 30, 2019 (Gov. Msg. No. 735),

seconded by Senator Taniguchi.

Senator Baker rose to speak in support of the nominees as follows:

“Thank you, Madam President. For the boards and commissions under the jurisdiction of your Committee on Commerce and Consumer Protection, I’d just like to note for the record that we have some excellent nominees, and I would highly request all of my colleagues to vote up on these wonderful nominees. Thank you.”

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

Ayes, 22. Noes, none. Excused, 3 (English, Kidani, Nishihara).

Stand. Com. Rep. No. 1684 (Gov. Msg. No. 736):

Senator Baker moved that Stand. Com. Rep. No. 1684 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of LAWRENCE MORINAGA to the Elevator Mechanics Licensing Board, term to expire June 30, 2019, seconded by Senator Taniguchi.

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

“Thank you, Madam President. For the boards and commissions under the jurisdiction of your Committee on Commerce and Consumer Protection, I’d just like to note for the record that we have some excellent nominees, and I would highly request all of my colleagues to vote up on these wonderful nominees. Thank you.”

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

Ayes, 22. Noes, none. Excused, 3 (English, Kidani, Nishihara).

Stand. Com. Rep. No. 1685 (Gov. Msg. No. 739):

Senator Baker moved that Stand. Com. Rep. No. 1685 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of ROBERT FIGAROA, JR. to the Motor Vehicle Repair Industry Board, term to expire June 30, 2018, seconded by Senator Taniguchi.

Senator Baker rose to speak in support of the nominees as follows:

“Thank you, Madam President. For the boards and commissions under the jurisdiction of your Committee on Commerce and Consumer Protection, I’d just like to note for the record that we have some excellent nominees, and I would highly request all of my colleagues to vote up on these wonderful nominees. Thank you.”

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

Ayes, 22. Noes, none. Excused, 3 (English, Kidani, Nishihara).

Stand. Com. Rep. No. 1686 (Gov. Msg. Nos. 773, 774, 775, 777 and 778):

Senator Baker moved that Stand. Com. Rep. No. 1686 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Board of Directors of the Hawai’i Health Connector of the following:

ANDREW GARRETT, term to expire June 30, 2019 (Gov. Msg. No. 773);

CALVIN L. HUTTON, term to expire June 30, 2015 (Gov. Msg. No. 774);

CALVIN L. HUTTON, term to expire June 30, 2019 (Gov. Msg. No. 775);

JOANNE H. KEALOHA, term to expire June 30, 2018 (Gov. Msg. No. 777); and

RICHARD KEENE, term to expire June 30, 2018 (Gov. Msg. No. 778),

seconded by Senator Taniguchi.

Senator Baker rose to speak in support of the nominees as follows:

“Thank you, Madam President. For the boards and commissions under the jurisdiction of your Committee on Commerce and Consumer Protection, I’d just like to note for the record that we have some excellent nominees, and I would highly request all of my colleagues to vote up on these wonderful nominees. Thank you.”

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

Ayes, 22. Noes, none. Excused, 3 (English, Kidani, Nishihara).

Stand. Com. Rep. No. 1687 (Gov. Msg. No. 779):

Senator Baker moved that Stand. Com. Rep. No. 1687 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of CAROLYN MA to the Board of Pharmacy, term to expire June 30, 2019, seconded by Senator Taniguchi.

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

“Thank you, Madam President. For the boards and commissions under the jurisdiction of your Committee on Commerce and Consumer Protection, I’d just like to note for the record that we have some excellent nominees, and I would highly request all of my colleagues to vote up on these wonderful nominees. Thank you.”

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

Ayes, 22. Noes, none. Excused, 3 (English, Kidani, Nishihara).

Stand. Com. Rep. No. 1688 (Gov. Msg. No. 781):

Senator Baker moved that Stand. Com. Rep. No. 1688 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of PETER HOLT, MD to the Hawai’i Medical Board, term to expire June 30, 2018, seconded by Senator Taniguchi.

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

“Thank you, Madam President. For the boards and commissions under the jurisdiction of your Committee on Commerce and Consumer Protection, I’d just like to note for the record that we have some excellent nominees, and I would highly request all of my colleagues to vote up on these wonderful nominees. Thank you.”

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

Ayes, 22. Noes, none. Excused, 3 (English, Kidani, Nishihara).

Stand. Com. Rep. No. 1689 (Gov. Msg. No. 830):

Senator Baker moved that Stand. Com. Rep. No. 1689 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of KATHARYN DAUB to the State Board of Nursing, term to expire June 30, 2017, seconded by Senator Taniguchi.

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

“Thank you, Madam President. For the boards and commissions under the jurisdiction of your Committee on Commerce and Consumer Protection, I’d just like to note for the record that we have some excellent nominees, and I would highly request all of my colleagues to vote up on these wonderful nominees. Thank you.”

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

Ayes, 22. Noes, none. Excused, 3 (English, Kidani, Nishihara).

Stand. Com. Rep. No. 1690 (Gov. Msg. No. 875):

Senator Baker moved that Stand. Com. Rep. No. 1690 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of DR. KATHRYN TAKETA-WONG to the Board of Naturopathic Medicine, term to expire June 30, 2018, seconded by Senator Taniguchi.

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

“Thank you, Madam President. For the boards and commissions under the jurisdiction of your Committee on Commerce and Consumer Protection, I’d just like to note for the record that we have some excellent nominees, and I would highly request all of my colleagues to vote up on these wonderful nominees. Thank you.”

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

Ayes, 22. Noes, none. Excused, 3 (English, Kidani, Nishihara).

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM FRIDAY, APRIL 24, 2015

Stand. Com. Rep. No. 1677 (H.C.R. No. 66):

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

H.C.R. No. 66, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING AN EMPHASIS ON COLLABORATION, OPENNESS, AND STRENGTHENING OF THE LONG TERM RELATIONSHIP BETWEEN THE STATE AND UNITED STATES NAVY IN ADDRESSING AND RESOLVING ISSUES RELATING TO THE LEAKAGE OF FUEL FROM THE NAVY’S RED HILL UNDERGROUND FUEL STORAGE FACILITY,” was adopted.

H.C.R. No. 141, H.D. 1, S.D. 1:

On motion by Senator Green, seconded by Senator Slom and carried, H.C.R. No. 141, H.D. 1, S.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE COUNTIES TO IMPROVE PUBLIC BEACH ACCESS FOR PERSONS WITH DISABILITIES IN HAWAII,” was adopted.

FINAL READING

S.B. No. 143, S.D. 1, H.D. 1:

On motion by Senator Keith-Agaran, seconded by Senator Green and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 143, S.D. 1, and S.B. No. 143, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO CHANGE THE THRESHOLD VALUE IN CONTROVERSY REQUIREMENT FOR JURY TRIALS IN CIVIL CASES AT COMMON LAW FROM \$5,000 TO \$10,000,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Kidani, Nishihara).

S.B. No. 148, S.D. 1, H.D. 1:

Senator Keith-Agaran moved that S.B. No. 148, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Green.

Senator Slom rose to speak in support of the measure with reservations as follows:

“I think there is a technical flaw in the bill the way it’s drafted. There were comments and suggested changes by the attorney general, but those changes were not adopted. 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. 148, S.D. 1, and S.B. No. 148, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO NUISANCE ABATEMENT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22; Ayes with Reservations, 1 (Slom). Noes, none. Excused, 3 (English, Kidani, Nishihara).

S.B. No. 1208, S.D. 1, H.D. 1:

On motion by Senator Keith-Agaran, seconded by Senator Green and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1208, S.D. 1, and S.B. No. 1208, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE EMPLOYEES’ RETIREMENT SYSTEM,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Kidani, Nishihara).

WAIVER OF REFERRAL

Senator Keith-Agaran, Chair of the Committee on Judiciary and Labor, requested that the referral of the following House concurrent resolutions to the Committee on Judiciary and Labor be waived:

H.C.R. No. 138, H.D. 1; and
H.C.R. No. 205, S.D. 1.

Senator Keith-Agaran noted:

“The reason is to expedite the legislative process.”

The Chair granted the waiver.

By unanimous consent, the following House concurrent resolutions were placed on the calendar for adoption on Tuesday, April 28, 2015:

H.C.R. No. 138, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO EXAMINE ALL POSSIBILITIES TO ENABLE STUDENT ATHLETIC TEAMS TO RUN AND TRAIN OFF CAMPUS,” and

H.C.R. No. 205, S.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO EXAMINE EXISTING AND ALLEGED VIOLATIONS IN THE SOLID WASTE RECYCLING INDUSTRY AND FAIRLY AND EQUALLY ENFORCE APPLICABLE LAWS AND REGULATIONS FOR ALL COMPANIES.”

RECONSIDERATION OF ACTIONS TAKEN

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

Senator Green moved that the Senate reconsider its action taken on April 16, 2015, in disagreeing to the amendments proposed by the House to S.B. No. 550, S.D. 1, seconded by Senator Espero and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 550, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Green, Keith-Agaran, Ruderman). Noes, none. Excused, 2 (Espero, Ihara).

Senator Green then moved that the Senate agree to the amendments proposed by the House to S.B. No. 550, S.D. 1, seconded by Senator Espero.

Senator Green noted:

“Thank you, Madam President. This is a bill that we believed in, the conference committee believed in. It establishes a misdemeanor for a person consuming, purchasing or possessing, selling, offering for sale, et cetera powdered alcohol in the state. They added the definitions. This is something that we, for years, worked on. We really felt that this was the right thing to do in the conference committee.”

Senator Ihara rose to speak on a point of information as follows:

“Could I request that the maker of the motion explain the difference between the previous draft?”

Senator Green responded:

“Thank you. Let’s see. So, yes, the drafts are quite different. We worked on two separate issues this session. One, the previous Senate Bill 550 was submitted, heard, passed by our Senate body, which worked on electronic smoking devices,

possession, tobacco products, et cetera. That language ultimately was adopted into Senate Bill 1030. This vehicle, Senate Bill 550, ultimately, in the House, incorporated language that we had been working on in the Senate. They came to a simple bill that many other states have, like I said, been adopting regarding powdered alcohol, mostly to prevent people from having drinks spiked with powdered alcohol, for alcoholics. So the material was different; it is something that we’ve debated and supported over the years. It simply became a different vehicle on the other side. The title of the bill, if I’m not mistaken, was ‘Relating to Health,’ so that was the clarification.”

The Chair interjected:

“Do we know if there was a public hearing in the House?”

Senator Green responded:

“In the House, yes, Madam President. 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. 550, S.D. 1, and S.B. No. 550, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” was placed on the calendar for Final Reading on Tuesday, April 28, 2015.

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

Senator Green moved that the Senate reconsider its action taken on April 16, 2015, in disagreeing to the amendments proposed by the House to S.B. No. 982, S.D. 1, seconded by Senator Espero and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 982, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 4 (Green, Espero, Keith-Agaran, Slom). Noes, none. Excused, 1 (Wakai).

Senator Green then moved that the Senate agree to the amendments proposed by the House to S.B. No. 982, S.D. 1, seconded by Senator Espero.

Senator Green noted:

“Thank you, Madam President. I urge my colleagues to join me in supporting this bill. The reason we agreed to the House amendments is that they just made some very minor clarifications. Our version applied language for people seeking medical assistance only in one paragraph; they clarified it a little bit further twice.

“Just to refresh everyone’s memory: This is a bill we’ve worked on for several years. We changed, also, the act to take effect upon approval. We would’ve otherwise had the good senator Judiciary chair’s wife’s hundredth birthday as our defective date of January 7, 2059, so we’ve moved that date up. This bill helps you if you have someone in your company with an overdose, so you can drop them off at a medical facility and get care without being prosecuted for any participation in that overdose. Thank you, Madam President.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 982, S.D. 1, and S.B. No. 982, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MEDICAL AMNESTY,” was placed on the calendar for Final Reading on Tuesday, April 28, 2015.

The Chair then made the following announcement:

“Conferees are named in accordance with the action sheets which may be updated later today.”

APPOINTMENT OF CONFEREES

S.B. No. 284, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 284, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kahele, chair; Thielen, Tokuda, co-chairs; English, Slom as managers on the part of the Senate at such conference.

H.B. No. 268, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 268, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, chair; Keith-Agaran, co-chair; Slom as manager on the part of the Senate at such conference.

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., Tuesday, April 28, 2015.