

ELEVENTH DAY

Friday, February 5, 2016

The Senate of the Twenty-Eighth Legislature of the State of Hawai'i, Regular Session of 2016, convened at 11:38 a.m. with the President in the Chair.

The Roll was called showing all Senators present with the exception of Senator Ruderman who was excused.

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

At this time, Senator Green introduced Mimi Monson, Judy, Jan, and Larry Green, relatives from California who were visiting the State Capitol.

Senator Nishihara welcomed 120 fifth-grade students from Honowai Elementary School, who were present in the gallery with their teacher, Ms. Shirley Dulay, as well as other teachers and chaperones.

HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 8) was read by the Clerk and was disposed of as follows:

Hse. Com. No. 8, transmitting H.B. No. 2720, which passed Third Reading in the House of Representatives on February 4, 2016, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, H.B. No. 2720, 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 First Reading by title and was referred to the Committee on Ways and Means.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 23 and 24) were read by the Clerk and were deferred:

S.C.R. No. 23 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO EQUIP ALL SCHOOL BUSES PURCHASED, LEASED, OR CONTRACTED FOR USE BY THE STATE WITH SEAT BELT ASSEMBLIES AT ALL DESIGNATED SEATING POSITIONS."

Offered by: Senator Inouye.

S.C.R. No. 24 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A PALLIATIVE CARE AND QUALITY OF LIFE ADVISORY COUNCIL."

Offered by: Senators Inouye, Baker, Chun Oakland, Dela Cruz, Keith-Agaran, Kidani, Nishihara, Tokuda, Galuteria, Shimabukuro, Wakai.

SENATE RESOLUTION

The following resolution (S.R. No. 7) was read by the Clerk and was deferred:

S.R. No. 7 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A PALLIATIVE CARE AND QUALITY OF LIFE ADVISORY COUNCIL."

Offered by: Senators Inouye, Baker, Chun Oakland, Dela Cruz, Keith-Agaran, Kidani, Nishihara, Tokuda, Galuteria, Shimabukuro, Wakai.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 2019) recommending that S.B. No. 2848 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. 2848, entitled: "A BILL FOR AN ACT RELATING TO MONEY TRANSMITTERS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 2020) recommending that S.B. No. 2850, 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. 2850, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE INDUSTRY REGULATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Shimabukuro and Gabbard, for the Committee on Hawaiian Affairs and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 2021) recommending that S.B. No. 2161, 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. 2161, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AHA MOKU ADVISORY COMMITTEE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Shimabukuro and Keith-Agaran, for the Committee on Hawaiian Affairs and the Committee on Judiciary and Labor, presented a joint report (Stand. Com. Rep. No. 2022) recommending that S.B. No. 2162, 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. 2162, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN LANGUAGE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Keith-Agaran, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 2023) recommending that S.B. No. 2836, 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. 2836, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Keith-Agaran, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 2024) recommending that S.B. No. 2835, 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. 2835, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Transportation and Energy, presented a report (Stand. Com. Rep. No. 2025) recommending that S.B. No. 2502 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. 2502, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2026) recommending that S.B. No. 2156 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. 2156, entitled: "A BILL FOR AN ACT RELATING TO WILDLIFE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2027) recommending that S.B. No. 2163, 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. 2163, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Gabbard, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2028) recommending that S.B. No. 2139, 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. 2139, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2029) recommending that S.B. No. 2356, 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. 2356, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF TAX REVENUES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2030) recommending that S.B. No. 2802 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. 2802, entitled: "A BILL FOR AN ACT RELATING TO

HUNTING ON PRIVATE LANDS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Gabbard, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2031) recommending that S.B. No. 2382 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. 2382, entitled: "A BILL FOR AN ACT RELATING TO THE MAALAEA SMALL BOAT HARBOR," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2032) recommending that S.B. No. 2788 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. 2788, entitled: "A BILL FOR AN ACT RELATING TO THE MOLOKAI IRRIGATION SYSTEM WATER USERS ADVISORY BOARD," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2033) recommending that S.B. No. 2645, 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. 2645, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER AUDITS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2034) recommending that S.B. No. 2462, 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. 2462, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HONOKOHAU SMALL BOAT HARBOR," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2035) recommending that S.B. No. 2644, 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. 2644, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER CONSERVATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2036) recommending that S.B. No. 2640 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. 2640, entitled: "A BILL FOR AN ACT RELATING TO WATER SECURITY," 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. 2037) recommending that S.B. No. 3071, as amended in S.D. 1, 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 S.B. No. 3071, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ACQUISITION OF MAKAI LANDS OF KAPUA IN SOUTH KONA ON THE ISLAND OF HAWAII," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 9, 2016.

Senator Wakai, for the Committee on Economic Development, Environment, and Technology, presented a report (Stand. Com. Rep. No. 2038) recommending that S.B. No. 75, as amended in S.D. 1, be recommitted to the Committee on Economic Development, Environment, and Technology.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 75, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was recommitted to the Committee on Economic Development, Environment, and Technology.

Senator Gabbard, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2039) recommending that S.B. No. 2026, 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. 2026, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2040) recommending that S.B. No. 2138 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. 2138, entitled: "A BILL FOR AN ACT RELATING TO NUTRIENT CYCLING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Transportation and Energy, presented a report (Stand. Com. Rep. No. 2041) recommending that S.B. No. 2652, 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. 2652, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 2042) recommending that S.B. No. 2408 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. 2408, entitled: "A BILL FOR AN ACT RELATING TO PARTITION OF HEIRS PROPERTY," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Baker, for the majority of the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 2043) recommending that S.B. No. 2446 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2446, entitled: "A BILL FOR AN ACT RELATING TO NOTARY PUBLIC FEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 2044) recommending that S.B. No. 2853, 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. 2853, 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, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 2045) recommending that S.B. No. 2329, 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. 2329, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITY INTERESTS IN REAL PROPERTY," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 2046) recommending that S.B. No. 2540 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. 2540, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the majority of the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 2047) recommending that S.B. No. 2666, 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 majority of the Committee was adopted and S.B. No. 2666, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 2048) recommending that S.B. No. 2680, 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. 2680, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY**THIRD READING**

S.B. No. 2310:

On motion by Senator Keith-Agaran, seconded by Senator Shimabukuro and carried, S.B. No. 2310, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 1 (Ruderman).

RE-REFERRAL OF A SENATE BILL

The Chair re-referred the following Senate bill that was introduced:

S.B. No.:	Re-referred to:
S.B. No. 75, S.D. 1	Jointly to the Committee on Commerce, Consumer Protection, and Health and the Committee on Economic Development, Environment, and Technology, then jointly to the Committee on Ways and Means and the Committee on Judiciary and Labor

At this time, Senator Baker announced that the National Cancer Institute, a federal organization that designates cancer centers to receive special funding, had granted the University of Hawai'i Cancer Center an extension on its application for renewal. She noted that the center was in the process of recruiting a director, and that the news was well-received as an acknowledgement that, despite some stress and concerns about continuing their designation, the center has value and is important in the work that it's doing. Additionally, the rate of reimbursement was increased, bringing an additional \$1.4 million to continue the research being done.

Senator Baker then thanked the members for wearing red – seen and unseen – in acknowledgement of the devastating impact of heart disease in women, and invited the members to take a photo to show support for the awareness campaign.

Senator Kidani remarked that she was wearing a red "I Love Teachers" shirt in support of the Hawai'i State Teachers Association's lobby day, and invited the members to join their favorite teachers for sign-waving in front of the State Capitol at 3:00 p.m. that afternoon.

ADJOURNMENT

At 11:45 a.m., on motion by Senator Green, seconded by Senator Slom and carried, the Senate adjourned until 9:30 a.m., Monday, February 8, 2016.