

FIFTEENTH DAY

Friday, February 12, 2016

The Senate of the Twenty-Eighth Legislature of the State of Hawai'i, Regular Session of 2016, convened at 11:44 a.m. with the President in the Chair.

The Roll was called showing all Senators present with the exception of Senators Harimoto, Inouye, and Shimabukuro who were excused.

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

At this time, Senator Kim recognized in the gallery DeMont Conner, and recalled that his mother, Geronimo, was a regular visitor to the Honolulu City Council during Senator Kim's term as a councilmember.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 25 to 27) were read by the Clerk and were deferred:

S.C.R. No. 25 "SENATE CONCURRENT RESOLUTION EXPRESSING STRONG SUPPORT FOR THE ESTABLISHMENT OF THE WAHIAWA CENTER FOR COMMUNITY HEALTH TO PROVIDE PRIMARY MEDICAL CARE SERVICES TO THE MEDICALLY UNDERSERVED POPULATION OF WAHIAWA AND ITS SURROUNDING RURAL COMMUNITIES."

Offered by: Senators Dela Cruz, Chun Oakland, Gabbard, Galuteria, Inouye, Kidani, Nishihara, Riviere, Shimabukuro, Wakai, Baker, Espero.

S.C.R. No. 26 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO DEVELOP A PLAN THAT OUTLINES COORDINATION AMONG UNIVERSITY OF HAWAII CAMPUSES IN INCREASING ONLINE COURSES."

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

S.C.R. No. 27 "SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF AEROSPACE DEVELOPMENT TO DEVELOP A PLAN FOR THE GIL KAHELE AERO TECHNOLOGY CAMPUS."

Offered by: Senators Galuteria, Baker, Chun Oakland, Dela Cruz, English, Espero, Gabbard, Harimoto, Inouye, Keith-Agaran, Kidani, Kim, Kouchi, Nishihara, Riviere, Ruderman, Shimabukuro, Taniguchi, Thielen, Tokuda, Wakai.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 8 to 10) were read by the Clerk and were deferred:

S.R. No. 8 "SENATE RESOLUTION EXPRESSING STRONG SUPPORT FOR THE ESTABLISHMENT OF THE WAHIAWA CENTER FOR COMMUNITY HEALTH TO PROVIDE PRIMARY MEDICAL CARE SERVICES TO THE MEDICALLY UNDERSERVED POPULATION OF WAHIAWA AND ITS SURROUNDING RURAL COMMUNITIES."

Offered by: Senators Dela Cruz, Chun Oakland, Gabbard, Galuteria, Kidani, Nishihara, Riviere, Shimabukuro, Wakai, Baker, Espero, Inouye.

S.R. No. 9 "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO DEVELOP A PLAN THAT OUTLINES COORDINATION AMONG UNIVERSITY OF HAWAII CAMPUSES IN INCREASING ONLINE COURSES."

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

S.R. No. 10 "SENATE RESOLUTION REQUESTING THE OFFICE OF AEROSPACE DEVELOPMENT TO DEVELOP A PLAN FOR THE GIL KAHELE AERO TECHNOLOGY CAMPUS."

Offered by: Senators Galuteria, Baker, Chun Oakland, Dela Cruz, English, Espero, Gabbard, Harimoto, Inouye, Keith-Agaran, Kidani, Kim, Kouchi, Nishihara, Riviere, Ruderman, Shimabukuro, Taniguchi, Thielen, Tokuda, Wakai.

STANDING COMMITTEE REPORTS

Senator Tokuda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2163) recommending that H.B. No. 2720 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 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 Second Reading and was placed on the calendar for Third Reading on Tuesday, February 16, 2016.

Senators Gabbard and Inouye, for the Committee on Water, Land, and Agriculture and the Committee on Transportation and Energy, presented a joint report (Stand. Com. Rep. No. 2164) recommending that S.B. No. 2377 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. 2377, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL WATER SUPPLY," 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. 2165) recommending that S.B. No. 3037 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. 3037, entitled: "A BILL FOR AN ACT RELATING TO LIPOA POINT," 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. 2166) recommending that S.B. No. 2992 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. 2992, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN SANDALWOOD," 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. 2167) recommending that S.B. No. 2906 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. 2906, entitled: "A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997," 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. 2168) recommending that S.B. No. 2904 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. 2904, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC MITIGATION BANKS," 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. 2169) recommending that S.B. No. 2900, 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. 2900, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BOATING FACILITIES," 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. 2170) recommending that S.B. No. 2902, 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. 2902, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIVEABOARD FEES," 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. 2171) recommending that S.B. No. 2990, 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. 2990, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII ASSOCIATION OF CONSERVATION DISTRICTS," 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. 2172) recommending that S.B. No. 2973, 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. 2973, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Nishihara and Kim, for the Committee on Public Safety, Intergovernmental, and Military Affairs and the

Committee on Government Operations, presented a joint report (Stand. Com. Rep. No. 2173) recommending that S.B. No. 2197, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor and the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2197, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Judiciary and Labor and the Committee on Ways and Means.

Senators Nishihara and Kim, for the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Government Operations, presented a joint report (Stand. Com. Rep. No. 2174) recommending that S.B. No. 2194, 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 joint report of the Committees was adopted and S.B. No. 2194, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2175) recommending that S.B. No. 2425, 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. 2425, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Kidani and Chun Oakland, for the Committee on Education and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 2176) recommending that S.B. No. 2386 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. 2386, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Harimoto, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 2177) recommending that S.B. No. 2093 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. 2093, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF THE CONVEYANCE TAX COLLECTIONS TO THE RENTAL HOUSING REVOLVING FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Harimoto, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 2178) recommending that S.B. No. 2998, 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. 2998, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Transportation and Energy, presented a report (Stand. Com. Rep. No. 2179)

recommending that S.B. No. 2738, 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. 2738, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Gabbard and Inouye, for the Committee on Water, Land, and Agriculture and the Committee on Transportation and Energy, presented a joint report (Stand. Com. Rep. No. 2180) recommending that S.B. No. 2641, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Health.

On motion by Senator Green, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2641, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Health.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 2181) recommending that S.B. No. 2284 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. 2284, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF LANGUAGE ACCESS," 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. 2182) recommending that S.B. No. 2064 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. 2064, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the majority of the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 2183) recommending that S.B. No. 2158 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. 2158, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 2184) recommending that S.B. No. 2638 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. 2638, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUILDING CODE COUNCIL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 2185) recommending that S.B. No. 2655, 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. 2655, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX COLLECTION DATE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Keith-Agaran, for the majority of the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 2186) recommending that S.B. No. 2155, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2155, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," 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. 2187) recommending that S.B. No. 2244, 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. 2244, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RETIREMENT," 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. 2188) recommending that S.B. No. 2443, 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. 2443, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," 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. 2189) recommending that S.B. No. 2444, 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. 2444, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," 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. 2190) recommending that S.B. No. 2551 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. 2551, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Keith-Agaran, for the majority of the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 2191) recommending that S.B. No. 2445 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 majority of the Committee was adopted and S.B. No. 2445, entitled: "A BILL FOR AN ACT

RELATING TO CAMPAIGN FINANCE,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 16, 2016.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2192) recommending that S.B. No. 2018, as amended in S.D. 1, be recommitted to the Committee on Human Services.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2018, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HUMAN SERVICES,” was recommitted to the Committee on Human Services.

ORDER OF THE DAY

THIRD READING

S.B. No. 2922:

On motion by Senator Tokuda, seconded by Senator Dela Cruz and carried, S.B. No. 2922, entitled: “A BILL FOR AN ACT RELATING TO THE TAX REVIEW COMMISSION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 3 (Harimoto, Inouye, Shimabukuro).

S.B. No. 2608:

On motion by Senator Kidani, seconded by Senator Chun Oakland and carried, S.B. No. 2608, entitled: “A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 3 (Harimoto, Inouye, Shimabukuro).

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

S.B. No.:	Re-referred to:
S.B. No. 1125	Committee on Water, Land, and Agriculture, then jointly to the Committee on Judiciary and Labor and the Committee on Ways and Means
S.B. No. 2013, S.D. 1	Committee on Transportation and Energy, then jointly to the Committee on Higher Education and the Arts and the Committee on Ways and Means
S.B. No. 2018, S.D. 1	Jointly to the Committee on Human Services and the Committee on Housing, then to the Committee on Ways and Means
S.B. No. 2317	Committee on Commerce, Consumer Protection, and Health, then to the Committee on Ways and Means
S.B. No. 2766	Committee on Higher Education and the Arts, then to the Committee on Ways and Means
S.B. No. 2972	Committee on Ways and Means

At this time, Senator Galuteria announced that counsel Mark Bennett would be presenting an update on the Department of Hawaiian Home Lands and the Nelson case immediately following session in the Majority Caucus room, and invited all members to attend.

ADJOURNMENT

At 11:48 a.m., on motion by Senator Green, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Tuesday, February 16, 2016.