

TWENTY-FIRST DAY

Tuesday, February 23, 2016

The Senate of the Twenty-Eighth Legislature of the State of Hawai'i, Regular Session of 2016, convened at 11:34 a.m. with the President in the Chair.

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

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

At this time, Senator Nishihara introduced a group of students from Waipahu High School's Hospitality and Tourism Academy, who were participating in Tourism Day at the Capitol that morning. The students were accompanied in the gallery by Todd Nakayama, director of the Hospitality and Tourism Academy, who was recently named "Hospitality Educator of the Year" by the Hawai'i Lodging & Tourism Association.

Senator Kidani recognized a group of students from Waipahu High School's Culinary Arts Academy, who were also participating in Tourism Day at the Capitol, and praised them for their well-deserved reputation for excellence in food preparation and service, as experienced firsthand by the senator at the Marauder Café. The students were accompanied in the gallery by teacher Elaine Matsuo and Waipahu High School Principal Keith Hayashi. Senator Kidani also acknowledged Mufi Hannemann, former Mayor of the City and County of Honolulu and current president and CEO of the Hawai'i Lodging & Tourism Association, for organizing Tourism Day at the Capitol.

Senator English introduced Bill Pound and Corina Eckl from the National Conference of State Legislatures, who were seated in the gallery.

Senator Slom, on behalf of Senator Thielen and himself, welcomed a group of fifth-grade students from Kamilo'iki Elementary School, who were present in the gallery with teachers and chaperones Leslie Nohara, Marie Raymond, Joel Flach, Liliane Edery, Toni Shuster, Jihee Nguyen, and Brittney Masunaga.

Senator Kim honored the Hawai'i Korean Chamber of Commerce on its seventy-fifth anniversary, and presented the following remarks:

"Thank you, Mr. President. Annyeonghaseyo! It is my pleasure to welcome the officers and directors of the Hawaiian Korean Chamber of Commerce to the Senate Chambers. This year, Mr. President, marks the seventy-fifth anniversary of the Korean Chamber and celebrates a very distinguished record of service by this organization. It was in 1940 – I don't think any of us were born at that time – that a group of 15 Korean immigrants decided to organize to support businesses and continue the betterment of their community through scholarships and other philanthropic activities. The organization received its charter that year from Governor Poindexter, and the members haven't looked back since.

"Since its formation, the Chamber has merged with a couple of like-minded groups and today is the acknowledged leader in promoting business development and trade between Hawai'i and Korea and supporting the local Korean business community. The Chamber achieves its goal through seminars and trade missions, recognizing the Entrepreneur of the Year, sponsoring the Korean Festival, and engaging in other activities that are in keeping with the founding ideals of those early immigrant leaders. It also continues its tradition of honoring outstanding young scholars with scholarships.

"So, we are pleased to have with us on the floor today officials, starting with President Daniel Pyun; vice presidents Ann Chung and Shawn Hamamoto; Secretary Grace Ogawa; and directors Taeyong Kim and Gina Kim Nakamura. As a proud Korean, I say 'Chukahamnida! Kamsahamnida!' meaning 'congratulations and mahalo,' and Mr. President, at the appropriate time, I ask that we have a short recess so we can congratulate our guests."

At 11:43 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:49 a.m.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 258 to 272) were read by the Clerk and were placed on file:

Dept. Com. No. 258, from the Hawai'i Center for Advanced Transportation Technologies dated November 30, 2015, transmitting a Report on Hawai'i Hydrogen Implementation pursuant to Act 98, SLH 2015.

Dept. Com. No. 259, from the Department of Budget and Finance dated January 25, 2016, transmitting a compact disc of the FY's 13-19 Non-General Fund Information Report pursuant to Section 37-47, HRS.

Dept. Com. No. 260, from the Department of Health dated January 29, 2016, transmitting the Annual Report on Dental Health Activities, Expenditures, and Recommendations pursuant to Section 321-63, HRS.

Dept. Com. No. 261, from the Department of Health dated January 29, 2016, transmitting the 2016 State Water Pollution Control Revolving Fund report pursuant to Section 342D-82, HRS.

Dept. Com. No. 262, from the Department of Health dated January 29, 2016, transmitting the Drinking Water Treatment Revolving Loan Fund report pursuant to Section 340E-33, HRS.

Dept. Com. No. 263, from the Department of Health dated January 29, 2016, transmitting the report Requesting the Department of Health to Continue the Task Force to Study the Effects of the January 2014 Fuel Tank Leak at the Red Hill Fuel Storage Facility and to Include an Additional Twenty-Six Underground Fuel Storage Tanks in Hawai'i pursuant to S.C.R. No. 57 (2015).

Dept. Com. No. 264, from the University of Hawai'i dated February 2, 2016, transmitting a report of hire pursuant to Act 119, SLH 2015.

Dept. Com. No. 265, from the Department of Health dated February 3, 2016, transmitting the report on Environmental Response Law and Hawai'i Emergency Planning and Community Right to Know Act Financial and Environmental Site Information FY2015 pursuant to Chapters 128D and 128E, HRS.

Dept. Com. No. 266, from the Department of Health dated February 3, 2016, transmitting the Report on the Expenditure of Moneys Appropriated pursuant to Act 118, SLH 2015.

Dept. Com. No. 267, from the Department of Education dated February 3, 2016, transmitting the Review of Medicaid Reimbursement Opportunities pursuant to Act 119, SLH 2015.

Dept. Com. No. 268, from the Office of the Auditor dated February 8, 2016, transmitting the audit report of the Department of Hawaiian Home Lands for the fiscal year ending

June 30, 2015, pursuant to Article VII, Section 10 of the Hawai'i State Constitution, and as authorized by Chapter 23, HRS.

Dept. Com. No. 269, from the Department of Health dated February 8, 2016, transmitting the Annual Report on the Receipt and Expenditures from the Trauma System Special Fund pursuant to Section 321-22.5(g), HRS.

Dept. Com. No. 270, from the Department of Health dated February 8, 2016, transmitting the Annual Report on the Receipt and Expenditures from the Emergency Medical Services Special Fund pursuant to Section 321-234(d), HRS.

Dept. Com. No. 271, from the University of Hawai'i dated February 9, 2016, transmitting a report of hire pursuant to Act 119, SLH 2015.

Dept. Com. No. 272, from the Department of Education dated February 10, 2016, transmitting the Annual Report on the State Educational Facilities Repair and Maintenance Account pursuant to Section 302A-1312, HRS.

HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 13) was read by the Clerk and was disposed of as follows:

Hse. Com. No. 13, transmitting H.B. No. 1726, which passed Third Reading in the House of Representatives on February 22, 2016, was placed on file.

On motion by Senator Green, seconded by Senator Slom and carried, H.B. No. 1726, entitled: "A BILL FOR AN ACT RELATING TO MURDER," passed First Reading by title and was deferred.

JUDICIARY COMMUNICATION

The following communication (Jud. Com. No. 6) was read by the Clerk and was placed on file:

Jud. Com. No. 6, dated February 1, 2016, transmitting a report listing the purchase of service contracts entered into from July 1, 2015 to December 31, 2015, pursuant to Act 138, SLH 2015.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 38) was read by the Clerk and was deferred:

S.C.R. No. 38 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO CONVENE A TASK FORCE TO DOCUMENT AND COLLECT DATA IDENTIFYING ECONOMIC, ENVIRONMENTAL, AND REGULATORY CONSEQUENCES OF CROP DEGRADATION CAUSED BY INVASIVE AND ENDANGERED SPECIES IN HAWAII."

Offered by: Senator Gabbard.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 2487) recommending that S.B. No. 2860 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. 2860, entitled: "A BILL FOR AN ACT RELATING TO BOARD MEMBER TERMS FOR THE BOARD OF NURSING AND THE BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 24, 2016.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 2488) recommending that S.B. No. 2341, 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. 2341, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESPIRATORY THERAPISTS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 3, 2016.

Senator Keith-Agaran, for the majority of the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 2489) recommending that S.B. No. 2418 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. 2418, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 6, OF THE CONSTITUTION OF THE STATE OF HAWAII," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 24, 2016, with Senator Riviere voting "Aye with Reservations."

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 2490) recommending that S.B. No. 2862 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. 2862, entitled: "A BILL FOR AN ACT RELATING TO NURSING," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 24, 2016.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 2491) recommending that S.B. No. 2874 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. 2874, entitled: "A BILL FOR AN ACT RELATING TO CERTIFIED NURSE AIDES," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 24, 2016.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 2492) recommending that S.B. No. 2333, 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. 2333, S.D. 1, entitled: "A BILL FOR AN ACT RELATED TO LICENSED MARRIAGE AND FAMILY THERAPISTS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 3, 2016.

ORDER OF THE DAY

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. 1000 Jointly to the Committee on Economic Development, Environment, and Technology and the Committee on Commerce, Consumer Protection, and Health

S.B. No. 2554 Jointly to the Committee on Judiciary and
Labor and the Committee on Ways and Means

MISCELLANEOUS COMMUNICATION

The following communication (Misc. Com. No. 3) was read
by the Clerk and was placed on file:

Misc. Com. No. 3, from the Act 222 Affirmative Consent
Task Force dated December 30, 2015, transmitting a report
pursuant to Act 222, SLH 2015.

ADJOURNMENT

At 11:51 a.m., on motion by Senator Green, seconded by
Senator Slom and carried, the Senate adjourned until
11:30 a.m., Wednesday, February 24, 2016.