

## FIFTY-THIRD DAY

## Friday, April 22, 2016

The Senate of the Twenty-Eighth Legislature of the State of Hawai'i, Regular Session of 2016, convened at 11:41 a.m. with the President in the Chair.

The Roll was called showing all Senators present with the exception of Senators Kahele and Slom who were excused.

The President announced that he had read and approved the Journal of the Fifty-Second Day.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 1109 to 1111) were read by the Clerk and were placed on file:

Gov. Msg. No. 1109, informing the Senate that on April 21, 2016, the Governor signed into law House Bill No. 2639 as Act 9, entitled: "RELATING TO WIRELESS TELECOMMUNICATIONS SERVICE."

Gov. Msg. No. 1110, informing the Senate that on April 21, 2016, the Governor signed into law House Bill No. 2494 as Act 10, entitled: "RELATING TO BLOOD GLUCOSE MONITORING."

Gov. Msg. No. 1111, informing the Senate that on April 21, 2016, the Governor signed into law Senate Bill No. 2541 as Act 11, entitled: "RELATING TO INFORMATION TECHNOLOGY."

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 626 and 627) were read by the Clerk and were placed on file:

Hse. Com. No. 626, returning S.C.R. No. 63, which was adopted by the House of Representatives on April 21, 2016.

Hse. Com. No. 627, informing the Senate that on April 21, 2016, the Speaker made the following changes to the conferees on the following bill:

H.B. No. 2501, H.D. 2 (S.D. 2):

Representative Fukumoto Chang replaced Representative Pouha as a conferee.

## STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3688) recommending that the Senate advise and consent to the nomination of CYNTHIA DANG to the Mental Health and Substance Abuse, O'ahu Service Area Board, in accordance with Gov. Msg. No. 825.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3688 and Gov. Msg. No. 825 was deferred until Monday, April 25, 2016.

Senator Gabbard, for the Committee on Water, Land and Agriculture, presented a report (Stand. Com. Rep. No. 3689) recommending that the Senate advise and consent to the nominations to the Natural Area Reserves System Commission of the following:

ARTI MICHELLE CLARK, in accordance with Gov. Msg. No. 725;

JONATHAN PRICE, in accordance with Gov. Msg. No. 726;

ROBIN NEWBOLD, in accordance with Gov. Msg. No. 727; and

THOMAS RANKER, in accordance with Gov. Msg. No. 728.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3689 and Gov. Msg. Nos. 725, 726, 727, and 728 was deferred until Monday, April 25, 2016.

Senator Shimabukuro, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3690) recommending that the Senate advise and consent to the nominations to the Island Burial Council, Island of Oahu of the following:

CHARLES MITCHELL, in accordance with Gov. Msg. No. 625;

NORMAN CACERES, in accordance with Gov. Msg. No. 743;

NORMAN CACERES, in accordance with Gov. Msg. No. 744; and

BEVERLY AMARAL, in accordance with Gov. Msg. No. 777.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3690 and Gov. Msg. Nos. 625, 743, 744, and 777 was deferred until Monday, April 25, 2016.

Senator Taniguchi, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 3691) recommending that the Senate advise and consent to the nomination of KELLI GOODIN to the Board of Directors of the Research Corporation of the University of Hawaii, in accordance with Gov. Msg. No. 805.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3691 and Gov. Msg. No. 805 was deferred until Monday, April 25, 2016.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 3692) recommending that H.C.R. No. 10 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3692 and H.C.R. No. 10, entitled: "HOUSE CONCURRENT RESOLUTION URGING VARIOUS GOVERNMENT ENTITIES WHO MANAGE AND OWN LAND AROUND EACH OF THE PLANNED RAIL TRANSIT STATIONS TO CONSIDER AND INCLUDE IN DEVELOPMENT DISCUSSIONS, TO THE GREATEST EXTENT POSSIBLE, AFFORDABLE HOUSING, CHILD AND FAMILY SERVICES, ELDERLY SERVICES, AND OTHER BENEFICIAL OPPORTUNITIES FOR THE PEOPLE OF HAWAII," was deferred until Monday, April 25, 2016.

## ORDER OF THE DAY

## ADVISE AND CONSENT

Stand. Com. Rep. No. 3674 (Gov. Msg. No. 865):

Senator Gabbard moved that Stand. Com. Rep. No. 3674 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Gabbard then moved that the Senate advise and consent to the nomination of JONATHAN CHING to the Kaho'olawe Island Reserve Commission, term to expire June 30, 2020, seconded by Senator Nishihara.

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

Ayes, 23. Noes, none. Excused, 2 (Kahele, Slom).

Stand. Com. Rep. No. 3675 (Gov. Msg. No. 854):

Senator Gabbard moved that Stand. Com. Rep. No. 3675 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Gabbard then moved that the Senate advise and consent to the nomination of NEIL HANNAHS to the Commission on Water Resource Management, term to expire June 30, 2020, seconded by Senator Nishihara.

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

Ayes, 23. Noes, none. Excused, 2 (Kahele, Slom).

Stand. Com. Rep. No. 3676 (Gov. Msg. No. 832):

Senator Gabbard moved that Stand. Com. Rep. No. 3676 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Gabbard then moved that the Senate advise and consent to the nomination of THOMAS OI to the Board of Land and Natural Resources, term to expire June 30, 2020, seconded by Senator Nishihara.

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

Ayes, 23. Noes, none. Excused, 2 (Kahele, Slom).

Stand. Com. Rep. No. 3677 (Gov. Msg. Nos. 614, 842, 843, and 869):

Senator Gabbard moved that Stand. Com. Rep. No. 3677 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Gabbard then moved that the Senate advise and consent to the nominations to the Land Use Commission of the following:

NANCY CABRAL, term to expire June 30, 2017 (Gov. Msg. No. 614);

DAWN CHANG, term to expire June 30, 2019 (Gov. Msg. No. 842);

JONATHAN SCHEUER, term to expire June 30, 2020 (Gov. Msg. No. 843); and

GARY OKUDA, term to expire June 30, 2017 (Gov. Msg. No. 869),

seconded by Senator Nishihara.

Senator Ruderman rose and stated:

“Yes, thank you, Mr. President. I just want to disclose a potential conflict of interest for Governor’s Message No. 614, where Ms. Nancy Cabral is my landlord, where my store is the anchor tenant in her Hilo Shopping Center.”

The Chair replied:

“As you have indicated your rent is all current, no conflict.”

Senator Inouye rose to speak in support of Gov. Msg. No. 614 as follows:

“Thank you, Mr. President, members. I stand in strong support for Governor’s Message 614, the LUC nominee, Nancy Cabral, and I’d like to include some comments into the Journal. Thank you.”

The Chair having so ordered, Senator Inouye’s remarks read as follows:

“Nancy Cabral brings a wealth of experience in the real estate field and owns a company that specializes in rental properties as well.

“She understands the geographical make up of island communities and has dedicated herself and her company to volunteerism and a member of the Hilo Rotary Club.

“Nancy Cabral has committed herself, in the few months as a member of the Land Use Commission, working well with her colleagues and staff of the Board.

“I urge my colleagues to please vote for her, as we advise and consent to her nomination.”

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

Ayes, 23. Noes, none. Excused, 2 (Kahele, Slom).

Stand. Com. Rep. No. 3678 (Gov. Msg. Nos. 849, 850, and 851):

Senator Wakai moved that Stand. Com. Rep. No. 3678 be received and placed on file, seconded by Senator Baker and carried.

Senator Wakai then moved that the Senate advise and consent to the nominations to the Stadium Authority of the following:

SCOT LONG, term to expire June 30, 2020 (Gov. Msg. No. 849);

DAVID UCHIYAMA, term to expire June 30, 2020 (Gov. Msg. No. 850); and

JOHN FINK, term to expire June 30, 2020 (Gov. Msg. No. 851),

seconded by Senator Baker.

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

Ayes, 23. Noes, none. Excused, 2 (Kahele, Slom).

Stand. Com. Rep. No. 3679 (Gov. Msg. No. 864):

Senator Wakai moved that Stand. Com. Rep. No. 3679 be received and placed on file, seconded by Senator Baker and carried.

Senator Wakai then moved that the Senate advise and consent to the nomination of NANCY LO to the Community-Based Economic Development Authority Council, term to expire June 30, 2019, seconded by Senator Baker.

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

Ayes, 23. Noes, none. Excused, 2 (Kahele, Slom).

Stand. Com. Rep. No. 3680 (Gov. Msg. No. 870):

Senator Wakai moved that Stand. Com. Rep. No. 3680 be received and placed on file, seconded by Senator Baker and carried.

Senator Wakai then moved that the Senate advise and consent to the nomination of MARISSA SANDBLOM to the Board of Directors of the Hawai’i Strategic Development Corporation, term to expire June 30, 2020, seconded by Senator Baker.

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

Ayes, 23. Noes, none. Excused, 2 (Kahele, Slom).

Stand. Com. Rep. No. 3681 (Gov. Msg. Nos. 735, 736, and 737):

Senator Kim moved that Stand. Com. Rep. No. 3681 be received and placed on file, seconded by Senator Ihara and carried.

Senator Kim then moved that the Senate advise and consent to the nominations to the Procurement Policy Board of the following:

ELIZABETH WEBB, term to expire June 30, 2018 (Gov. Msg. No. 735);

HOWARD GARVAL, term to expire June 30, 2017 (Gov. Msg. No. 736); and

KATHY SUZUKI-KITAGAWA, term to expire June 30, 2017 (Gov. Msg. No. 737),

seconded by Senator Ihara.

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

Ayes, 23. Noes, none. Excused, 2 (Kahele, Slom).

Stand. Com. Rep. No. 3682 (Gov. Msg. No. 671):

Senator Shimabukuro moved that Stand. Com. Rep. No. 3682 be received and placed on file, seconded by Senator English and carried.

Senator Shimabukuro then moved that the Senate advise and consent to the nomination of GENE ROSS DAVIS to the Hawaiian Homes Commission, term to expire June 30, 2020, seconded by Senator English.

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

Ayes, 23. Noes, none. Excused, 2 (Kahele, Slom).

Stand. Com. Rep. No. 3683 (Gov. Msg. No. 866):

Senator Shimabukuro moved that Stand. Com. Rep. No. 3683 be received and placed on file, seconded by Senator English and carried.

Senator Shimabukuro then moved that the Senate advise and consent to the nomination of FRANCES COBB-ADAMS to the Island Burial Council, Island of Molokai, term to expire June 30, 2019, seconded by Senator English.

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

Ayes, 23. Noes, none. Excused, 2 (Kahele, Slom).

Stand. Com. Rep. No. 3684 (Gov. Msg. Nos. 512, 513, 514, 515, 733, and 734):

Senator Kim moved that Stand. Com. Rep. No. 3684 be received and placed on file, seconded by Senator Ihara and carried.

Senator Kim then moved that the Senate advise and consent to the nominations to the Enhanced 911 Board of the following:

DEAN RICKARD, term to expire June 30, 2019 (Gov. Msg. No. 512);

PAUL FERREIRA, term to expire June 30, 2016 (Gov. Msg. No. 513);

PAUL FERREIRA, term to expire June 30, 2020 (Gov. Msg. No. 514);

THALIA BURNS, term to expire June 30, 2019 (Gov. Msg. No. 515);

JEFFREY RIEWER, term to expire June 30, 2018 (Gov. Msg. No. 733); and

JOHN JAKUBCZAK, term to expire June 30, 2020 (Gov. Msg. No. 734),

seconded by Senator Ihara.

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

Ayes, 23. Noes, none. Excused, 2 (Kahele, Slom).

At this time, Senator Gabbard introduced Neil Hannahs, newly confirmed member of the Commission on Water Resource Management, who was accompanied in the gallery by his wife, Mariane. Senator Gabbard then introduced the following newly confirmed members of the Land Use Commission: Jonathan Scheuer, who was accompanied in the gallery by his wife, Cami; Gary Okuda, who was accompanied in the gallery by his wife, Marilyn, and his parents, Robert and Shirley Okuda; and Dawn Chang.

#### ADOPTION OF RESOLUTIONS

##### MATTERS DEFERRED FROM THURSDAY, APRIL 21, 2016

Stand. Com. Rep. No. 3685 (H.C.R. No. 72, H.D. 1):

On motion by Senator Green, seconded by Senator English and carried, the report of the Committee was adopted and H.C.R. No. 72, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH TO VIGOROUSLY ENFORCE LAWS REGARDING THE LABELING OF PREVIOUSLY FROZEN FISH," was adopted.

Stand. Com. Rep. No. 3686 (H.C.R. No. 61, H.D. 1):

On motion by Senator Green, seconded by Senator English and carried, the joint report of the Committees was adopted and H.C.R. No. 61, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENDORSING AND SUPPORTING THE ALA WAI WATERSHED PARTNERSHIP AND REQUESTING A REPORT ON PROGRESS MADE BY THE PARTNERSHIP," was adopted.

Stand. Com. Rep. No. 3687 (H.C.R. No. 123, H.D. 1, S.D. 1):

On motion by Senator Green, seconded by Senator English and carried, the report of the Committee was adopted and H.C.R. No. 123, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENDORSING TAIWAN'S PARTICIPATION AS AN OBSERVER IN THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE, INTERNATIONAL CIVIL AVIATION ORGANIZATION, WORLD HEALTH ORGANIZATION, AND INTERNATIONAL CRIMINAL POLICE ORGANIZATION AND SUPPORTING THE STATE OF HAWAII'S TWENTY-THIRD ANNIVERSARY OF SISTER-STATE RELATIONS WITH TAIWAN," was adopted.

#### RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 2811, S.D. 2 (H.D. 1):

Senator Chun Oakland moved that the Senate reconsider its action taken on April 14, 2016, in disagreeing to the amendments proposed by the House to S.B. No. 2811, S.D. 2, seconded by Senator Green 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. 2811, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 2 (Chun Oakland, Keith-Agaran). Noes, none. Excused, 1 (Thielen).

Senator Chun Oakland then moved that the Senate agree to the amendments proposed by the House to S.B. No. 2811, S.D. 2, seconded by Senator Green.

Senator Chun Oakland noted:

“Thank you, Mr. President. The House Draft 1 of Senate Bill 2811 contains clarifying amendments that were needed to meet the legal definition for federal compliance with the Rape Survivor Child Custody Act. These amendments were supported by the Office of the Attorney General and the Commission on the Status of Women.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2811, S.D. 2, and S.B. No. 2811, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PARENTAL RIGHTS,” was placed on the calendar for Final Reading on Monday, April 25, 2016.

S.B. No. 2954, S.D. 2 (H.D. 1):

Senator Nishihara moved that the Senate reconsider its action taken on April 14, 2016, in disagreeing to the amendments proposed by the House to S.B. No. 2954, S.D. 2, seconded by Senator Green 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. 2954, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 3 (Nishihara, Keith-Agaran, Espero). Noes, none. Excused, none.

Senator Nishihara then moved that the Senate agree to the amendments proposed by the House to S.B. No. 2954, S.D. 2, seconded by Senator Green.

Senator Nishihara noted:

“The Senate agreed to the changes made to the bill after discussions with the House chair, which has made improvements to the bill and makes the bill effective upon approval. 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. 2954, S.D. 2, and S.B. No. 2954, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FIREARMS,” was placed on the calendar for Final Reading on Monday, April 25, 2016.

At this time, the Chair made the following announcements:

“The deadline to file committee reports on amended House concurrent resolutions in order to meet Monday’s Second Crossover deadline is 4:30 p.m. today. The Clerk’s office will distribute a list this evening of all resolutions to be scheduled for adoption on Monday.

“Immediately following our floor session today, please report to the House Chamber for the Joint Session at 12:00 noon.”

At 11:49 a.m., on motion by Senator Green, seconded by Senator English and carried, the Senate stood in recess, subject to the call of the Chair, to meet in Joint Session with the House of Representatives in accordance with H.C.R. No. 207, for the purpose of appointing the Ombudsman, the Director of the Legislative Reference Bureau, and the Auditor.

## JOINT SESSION

The Joint Session of the Senate and the House of Representatives of the Twenty-Eighth Legislature of the State of Hawai‘i, Regular Session of 2016, was called to order at 12:04 p.m. by the Honorable Joseph M. Souki, Speaker of the House of Representatives.

Representative Saiki moved that Brian Takeshita be appointed Clerk of the Joint Session, seconded by Senator English and carried unanimously.

Speaker Souki then announced:

“The purpose of this Joint Session is to appoint the Auditor for the State of Hawai‘i, pursuant to Article VII, Section 10 of the Hawai‘i State Constitution; the Director of the Legislative Reference Bureau, pursuant to Section 23G-1, Hawai‘i Revised Statutes; and the Ombudsman, pursuant to Section 96-2, Hawai‘i Revised Statutes.”

Representative Saiki then nominated Leslie H. Kondo to the Office of Auditor of the State of Hawai‘i, for a term of eight years, commencing May 1, 2016.

Senator English moved that the nominations for the Office of Auditor for the State of Hawai‘i be closed, seconded by Representative Fukumoto Chang and carried.

Speaker Souki then announced:

“Members of the Senate and House, we will be taking up the confirmation of each appointee in two separate motions, first by the House, then by the Senate.”

Representative Saiki moved that the House of Representatives of the Twenty-Eighth Legislature of the State of Hawai‘i confirm the appointment of Leslie H. Kondo as Auditor for the State of Hawai‘i for a term of eight years commencing on May 1, 2016, seconded by Representative Fukumoto Chang.

The motion was then put by the Chair and carried.

At this time, Senate President Ronald D. Kouchi assumed the rostrum.

Senator English moved that the Senate of the Twenty-Eighth Legislature of the State of Hawai‘i confirm the appointment of Leslie H. Kondo as Auditor for the State of Hawai‘i for a term of eight years commencing on May 1, 2016, seconded by Senator Green.

The motion was then put by the Chair and carried.

Senate President Kouchi, on behalf of the Joint Session, announced that Leslie H. Kondo had been appointed and confirmed as the Auditor for the State of Hawai‘i.

At this time, Senate President Kouchi recognized Leslie H. Kondo, who was present in the gallery.

Speaker Souki returned to the rostrum.

Representative Saiki then nominated Charlotte Carter-Yamauchi to the Office of Director of the Legislative Reference Bureau of the State of Hawai‘i, for a term of six years, commencing May 1, 2016.

Senator English moved that the nominations for the Office of Director of the Legislative Reference Bureau of the State of Hawai‘i be closed, seconded by Representative Fukumoto Chang and carried.

Representative Saiki moved that the House of Representatives of the Twenty-Eighth Legislature of the State of Hawai‘i confirm the appointment of Charlotte Carter-Yamauchi as Director of the Legislative Reference Bureau for the State of

Hawai'i for a term of six years commencing on May 1, 2016, seconded by Representative Fukumoto Chang.

Representative Mizuno rose to speak in support of the nomination as follows:

"In strong support, Mr. Speaker. And on behalf of you, Mr. Speaker, I'd like to ask that your written comments in support be inserted in the Journal for Charlotte Yamauchi. Thank you, Mr. Speaker."

Representative Mizuno submitted the following remarks on behalf of Speaker Souki:

"Mr. Speaker, I rise in support of the nomination of Charlotte Carter-Yamauchi as director of the Legislative Reference Bureau. Too often in the hiring process we face candidates who are unproven for the position they are seeking. This morning we have a rare opportunity to secure the services of an individual who is not just 'qualified' to hold a position but has shown she can do the job in outstanding fashion.

"Charlotte Carter-Yamauchi has proven herself not only over the last six years as acting director of the Legislative Reference Bureau, but has dedicated her professional career to the bureau and its mission. She has been the acting director of the Legislative Reference Bureau since December 2010. She began her long career with the bureau as a research attorney in 1987, and was appointed as the assistant director for research in 2003 and the first assistant in 2008.

"Charlotte is a long-time, active participant in both the National Conference of State Legislatures (NCSL) and the Council of State Governments (CSG) activities. She currently serves as chair of the Research and Committee Staff Section and on the Legislative Staff Coordinating Committee of NCSL.

"And if that's not enough to keep her busy, she also serves as present chair of the CSG West Legislative Service Agency/Research Directors, a member of CSG's Executive Committee, and a member of CSG's Shared State Legislation Committee. And if you can remember what all of those acronyms mean, you're a better person than me. But I can assure you, Charlotte does.

"Prior to coming to work for LRB, Charlotte was in private practice, served as a deputy prosecuting attorney for the City and County of Honolulu, and worked as a staff attorney for the National Center for State Courts in Williamsburg, Virginia. She received her J.D. from the College of William and Mary's Marshall-Wythe School of Law and is a member of the Virginia and Hawaii Bars.

"Finally, for those of you who know the children's book – if the LRB is Charlotte Carter-Yamauchi's web, then all of us 'Wilburs' are in no danger of being lost. The LRB will continue to be in good hands. Thank you."

The motion was then put by the Chair and carried.

At this time, Senate President Ronald D. Kouchi assumed the rostrum.

Senator English moved that the Senate of the Twenty-Eighth Legislature of the State of Hawai'i confirm the appointment of Charlotte Carter-Yamauchi as Director of the Legislative Reference Bureau for the State of Hawai'i for a term of six years commencing on May 1, 2016, seconded by Senator Green.

The motion was then put by the Chair and carried.

Senate President Kouchi, on behalf of the Joint Session, announced that Charlotte Carter-Yamauchi had been appointed and confirmed as the Director of the Legislative Reference Bureau for the State of Hawai'i.

At this time, Senate President Kouchi recognized Charlotte Carter-Yamauchi, who was present in the gallery.

Senator English then introduced Ms. Carter-Yamauchi's husband, Robert Yamauchi, and staff members of the Legislative Reference Bureau, who were present in the gallery.

Speaker Souki returned to the rostrum.

Representative Saiki then nominated Robin K. Matsunaga to the Office of Ombudsman for the State of Hawai'i, for a term of six years, commencing May 1, 2016.

Senator English moved that the nominations for the Office of Ombudsman for the State of Hawai'i be closed, seconded by Representative Fukumoto Chang and carried.

Representative Saiki moved that the House of Representatives of the Twenty-Eighth Legislature of the State of Hawai'i confirm the appointment of Robin K. Matsunaga as Ombudsman for the State of Hawai'i for a term of six years commencing on May 1, 2016, seconded by Representative Fukumoto Chang.

Representative Mizuno rose to speak in support of the nomination as follows:

"Mr. Speaker, thank you very much. In strong support, Mr. Speaker. And on behalf of you, Mr. Speaker, I'd like to ask that your written comments in support be inserted in Journal for Robin Matsunaga. Thank you."

Representative Mizuno submitted the following remarks on behalf of Speaker Souki:

"Mr. Speaker, I rise in support of the nomination of Robin K. Matsunaga as ombudsman for the State of Hawaii. Mr. Speaker, the Hawaii Ombudsman Office was established in 1967 to investigate citizen complaints about executive agencies of the state and local governments in Hawaii, and was the first of its kind to be established in the United States.

"The ombudsman serves as a neutral, independent intermediary between citizens and state agencies, conducting investigations in a fair and impartial manner. In addition to the resolution of individual complaints, it makes recommendations for changes to the law, administrative rules or operating procedures to make government work better.

"In other words, the ombudsman must be fair, independent, solution-driven and understanding of the role of government, as well as the rights of all citizens under our laws and constitution. Robin Matsunaga has shown that he is such an individual and has led the Office of the Ombudsman since 1998.

"Robin was appointed by unanimous vote of the Hawaii Legislature in 1998 to serve as ombudsman and was reappointed to a second six-year term by the 2008 Legislature.

"Robin has represented the Office of the Ombudsman, the Legislature, and the State of Hawaii at the national and international levels through his participation and leadership in the U.S. Ombudsman Association, the International Ombudsman Institute, and the American Bar Association. He is the current president of the USOA and has been a member of their Board of Directors since 1999, serving as Outreach and Membership Committee Chair.

"In 2004, together with the Alaska and Arizona ombudsmen, Robin developed curricula for the USOA's New Ombudsman Training workshop and has served as an instructor for those workshops. Robin was an institutional member of the International Ombudsman Institute from 1998 to 2014 and served as regional director for the IOI's North America Region from 2011 to 2012.

“Robin is currently a member of the American Bar Association Dispute Resolution Section Ombuds Committee and a member and senior advisor/liaison of the ABA Administrative Law and Regulatory Practice Section Ombuds Committee.

“Prior to his appointment as ombudsman, Robin served for six years as the chief of staff of the Hawaii House of Representatives during my tenure then as Speaker. He also served as the chief clerk of the House Finance Committee and as a program evaluation analyst for the state Department of Transportation.

“Mr. Speaker, clearly, we have an individual who is highly qualified, with the experience, character and temperament to lead this office, and I wholeheartedly support his appointment.”

The motion was then put by the Chair and carried.

At this time, Senate President Ronald D. Kouchi assumed the rostrum.

Senator English moved that the Senate of the Twenty-Eighth Legislature of the State of Hawai‘i confirm the appointment of Robin K. Matsunaga as Ombudsman for the State of Hawai‘i for a term of six years commencing on May 1, 2016, seconded by Senator Green.

The motion was then put by the Chair and carried.

Senate President Kouchi, on behalf of the Joint Session, announced that Robin K. Matsunaga had been appointed and confirmed as the Ombudsman for the State of Hawai‘i.

At this time, Senate President Kouchi recognized Robin K. Matsunaga, who was present in the gallery.

Senator English then introduced Mr. Matsunaga’s wife, Tammy Matsunaga, and staff members of the Office of the Ombudsman, who were present in the gallery.

Senate President Kouchi then announced:

“At this time, the Senate and House Sergeant-at-Arms are requested to escort Mr. Kondo, Ms. Carter-Yamauchi, and Mr. Matsunaga and their families to the floor so that we may offer our personal congratulations.

“There being no further business, I now declare this Joint Session of the Twenty-Eighth Legislature adjourned.”

At 12:17 p.m., the President declared the Joint Session of the Senate and the House of Representatives adjourned.

#### **APPOINTMENT AND DISCHARGE OF CONFEREES**

S.B. No. 2289, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2289, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Keith-Agaran, chair; Kahele, Shimabukuro as managers on the part of the Senate at such conference.

S.B. No. 2547, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2547, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Tokuda, chair; Dela Cruz, co-chair; Galuteria as manager on the part of the Senate at such conference.

S.B. No. 2551 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2551, and the

request for a conference on the subject matter thereof, the President appointed Senators Keith-Agaran, chair; Tokuda, co-chair; Shimabukuro as manager on the part of the Senate at such conference.

S.B. No. 2618, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2618, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; English, Kidani, co-chairs on the part of the Senate at such conference.

S.B. No. 2829, S.D. 1 (H.D. 1):

The President appointed Senator Slom as a manager and discharged Senator Thielen as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2829, S.D. 1.

S.B. No. 3109, S.D. 1 (H.D. 1):

The President discharged Senator Thielen as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 3109, S.D. 1.

H.B. No. 27 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 27, and the request for a conference on the subject matter thereof, the President appointed Senators Keith-Agaran, chair; Kahele, Shimabukuro as managers on the part of the Senate at such conference.

H.B. No. 32 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 32, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Keith-Agaran, co-chair; Slom as manager on the part of the Senate at such conference.

H.B. No. 260, H.D. 1 (S.D. 1):

The President appointed Senator Tokuda as co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 260, H.D. 1.

H.B. No. 900, 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. 900, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Keith-Agaran, co-chair; Riviere as manager on the part of the Senate at such conference.

H.B. No. 1029, 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. 1029, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Wakai, co-chair; Gabbard, Slom as managers on the part of the Senate at such conference.

H.B. No. 1050 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1050, and the request for a conference on the subject matter thereof, the President appointed Senators Wakai, chair; Gabbard, Riviere,

co-chairs; Thielen, Slom as managers on the part of the Senate at such conference.

H.B. No. 1370, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1370, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Keith-Agaran, chair; Taniguchi, co-chair; Kahele as manager on the part of the Senate at such conference.

H.B. No. 1581, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1581, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Gabbard, chair; Baker, Keith-Agaran, co-chairs; Slom as manager on the part of the Senate at such conference.

H.B. No. 1672, H.D. 2 (S.D. 1):

The President appointed Senator Tokuda as co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1672, H.D. 2.

H.B. No. 1736, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1736, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Dela Cruz, co-chair; English, Slom as managers on the part of the Senate at such conference.

H.B. No. 1878, H.D. 1 (S.D. 2):

The President discharged Senator Thielen as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1878, H.D. 1.

H.B. No. 2040 (S.D. 1):

The President discharged Senator Thielen as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2040.

H.B. No. 2448, H.D. 1 (S.D. 1):

The President appointed Senator Kahele as manager and discharged Senator Thielen as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2448, H.D. 1.

H.B. No. 2482, H.D. 2 (S.D. 1):

The President appointed Senator Tokuda as co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2482, H.D. 2.

H.B. No. 2543, 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. 2543, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Wakai, chair; Baker, co-chair; Slom as manager on the part of the Senate at such conference.

H.B. No. 2626, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2626, H.D. 1, and the request for a conference on the subject matter thereof,

the President appointed Senators Wakai, chair; Gabbard, Baker, co-chairs on the part of the Senate at such conference.

H.B. No. 2646, H.D. 2 (S.D. 2):

The President discharged Senator Thielen as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2646, H.D. 2.

H.B. No. 2721, H.D. 1 (S.D. 2):

The President discharged Senator Thielen as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2721, H.D. 1.

H.B. No. 2740, H.D. 1 (S.D. 2):

The President appointed Senator Tokuda as co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2740, H.D. 1.

#### ADJOURNMENT

At 12:17 p.m., the Senate adjourned until 11:30 a.m., Monday, April 25, 2016.