

SIXTIETH DAY

Thursday, May 5, 2016

The Senate of the Twenty-Eighth Legislature of the State of Hawai'i, Regular Session of 2016, convened at 11:43 a.m. with the President in the Chair.

The Roll was called showing all Senators present.

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

At this time, Senator Baker introduced members of her session staff who were seated in the gallery, and thanked them for their hard work: Eve Teeter-Balin, a student in the master of science in nursing program at the University of Hawai'i at Mānoa, and James Nash, legislative assistant.

Senator Gabbard honored Angel Doane-Mau, a member of his session staff, and remarked that she was an angel in helping him serve his constituents. Senator Gabbard also honored George Kalantzis, session intern from the University of Hawai'i – West O'ahu. In the gallery, members of Senator Gabbard's staff presented Angel and George with congratulatory certificates.

Senator Keith-Agaran introduced Steven Sturdevant and Debra Sturdevant of Sturdevant Refrigeration & Air Conditioning in Central Maui, who were honored as 2016 Hawai'i Small Business Persons of the Year, and were seated in the gallery.

Senator Keith-Agaran then introduced some of his hardworking staff: University of Hawai'i intern Joseph Pagkalinawan and legislative aides Sara Tanigawa and Zeslie Zablan, all of whom were present in the gallery. On the Senate floor, Senator Keith-Agaran acknowledged additional members of his staff: Ron Lau, legal researcher and romantic comedy expert; Ashlee Affonso, whose second legislative session it was; Colleen Jones, who worked for Senator Keith-Agaran some years ago as a session staffer and returned as a legal researcher after passing the bar exam; and Danielle Evangelista, committee clerk and ringleader of their little circus. Senator Keith-Agaran remarked that whether they were "fashion police, minions, pirates, or just mean girls in wigs," his staff worked hard to make sure the Committee on Judiciary and Labor ran relatively smoothly and with just the right amount of crazy. Senator Keith-Agaran also acknowledged his legal researcher, Jimmy Nelson, who was back in the office, minding the store on his birthday.

Senator Dela Cruz introduced, on behalf of Senate President Kouchi, Rowena Cobb, president of the Kaua'i Independent Food Bank, who was seated in the gallery.

Senator Inouye introduced David and Jade, two hardworking staff from the Department of Transportation who were seated in the gallery, and remarked that the Department of Transportation had been one of the few agencies that she believed had been at the Legislature almost every day during the entire session.

Senator Inouye then thanked Skip Bethea and Jennifer Belon, members of her session staff, and expressed appreciation for all their hard work.

Senator Chun Oakland introduced and thanked members of her staff, who were present in the gallery: office manager Alisha Leisek; committee clerk Xan Avendaño; committee assistant Tyler Ingraham; and administrative assistants Mudra Josephson and Russell Higa. The staff members were accompanied by Tyrell Ma'ae, former staff member for Senator Chun Oakland, who was visiting from Seattle, Washington.

Senator Shimabukuro recognized Paul Oshiro from Alexander & Baldwin, and Department of Land and Natural Resources Director Suzanne Case and Deputy Director Kekoa Kaluhiwa, all of whom were present in the gallery.

Senator Chun Oakland introduced Angelo McDuffie, session intern from the University of Hawai'i – West O'ahu, who was seated in the gallery, and acknowledged his outstanding work.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 17 and 1147) were read by the Clerk and were placed on file:

Gov. Msg. No. 17, letter dated March 30, 2016, transmitting proposed changes to the Fiscal Year 2017 Executive Supplemental Budget for the Department of Human Resources Development.

Gov. Msg. No. 1147, informing the Senate that on May 3, 2016, the Governor signed into law Senate Bill No. 2315, S.D. 2, H.D. 2 as Act 46, entitled: "RELATING TO JURY DUTY."

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 339 to 342) were read by the Clerk and were placed on file:

Dept. Com. No. 339, from the Office of the Auditor dated April 28, 2016, transmitting the report, "Follow-Up on Recommendations Made in Report No. 13-02," Audit of the Department of Hawaiian Home Lands' Homestead Services Division (Report No. 16-04) pursuant to Section 23-9, HRS.

Dept. Com. No. 340, from the Hawaii Employer-Union Health Benefits Trust Fund dated April 13, 2016, transmitting a report of a recent unauthorized disclosure of a member's personal protected privacy information by an employee of the EUTF.

Dept. Com. No. 341, from the Public Utilities Commission dated April 20, 2016, transmitting the Hawaii Gas 2015 Renewable Energy Report pursuant to Section 269-45, HRS.

Dept. Com. No. 342, from the University of Hawai'i dated April 26, 2016, transmitting a report of hire pursuant to Act 119, SLH 2015.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 679 to 685) were read by the Clerk and were placed on file:

Hse. Com. No. 679, informing the Senate that on May 3, 2016, H.B. No. 1700, H.D. 1, S.D. 1, C.D. 1 passed Final Reading in the House of Representatives.

Hse. Com. No. 680, returning S.C.R. No. 70, S.D. 1, which was adopted by the House of Representatives on May 3, 2016.

Hse. Com. No. 681, informing the Senate that on May 3, 2016, the House reconsidered its action taken on April 7, 2016, in disagreeing to the amendments proposed by the Senate to H.B. No. 2543, H.D. 2 (S.D. 1).

Hse. Com. No. 682, informing the Senate that on May 3, 2016, the House reconsidered its action taken on April 8, 2016, in disagreeing to the amendments proposed by the Senate to H.B. No. 1669, H.D. 2 (S.D. 1).

Hse. Com. No. 683, informing the Senate that on May 3, 2016, the House reconsidered its action taken on April 14, 2016, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 1654, H.D. 1 (S.D. 2);
H.B. No. 1853, H.D. 2 (S.D. 1); and
H.B. No. 2086, H.D. 2 (S.D. 2).

Hse. Com. No. 684, informing the Senate that on May 3, 2016, the House agreed to the amendments proposed by the Senate and passed the following bills on Final Reading:

H.B. No. 545, H.D. 1, S.D. 2;
H.B. No. 1029, H.D. 1, S.D. 1;
H.B. No. 1055, H.D. 2, S.D. 1;
H.B. No. 1096, H.D. 2, S.D. 1;
H.B. No. 1170, H.D. 2, S.D. 2;
H.B. No. 1733, H.D. 2, S.D. 2;
H.B. No. 1736, H.D. 1, S.D. 2;
H.B. No. 1894, H.D. 1, S.D. 1;
H.B. No. 1982, S.D. 1;
H.B. No. 2033, H.D. 1, S.D. 1;
H.B. No. 2059, H.D. 2, S.D. 1;
H.B. No. 2060, H.D. 1, S.D. 2;
H.B. No. 2198, H.D. 2, S.D. 1;
H.B. No. 2308, H.D. 1, S.D. 1;
H.B. No. 2319, H.D. 1, S.D. 1;
H.B. No. 2326, H.D. 1, S.D. 1;
H.B. No. 2403, H.D. 1, S.D. 1;
H.B. No. 2593, H.D. 1, S.D. 1;
H.B. No. 2669, H.D. 1, S.D. 1;
H.B. No. 2680, H.D. 2, S.D. 1; and
H.B. No. 2681, H.D. 2, S.D. 1.

Hse. Com. No. 685, informing the Senate that on May 3, 2016, the following bills passed Final Reading in the House of Representatives:

H.B. No. 254, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 260, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 801, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 900, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 901, S.D. 1, C.D. 1;
H.B. No. 1011, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 1041, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 1046, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 1050, S.D. 2, C.D. 1;
H.B. No. 1111, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 1370, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 1517, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1527, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1543, S.D. 1, C.D. 1;
H.B. No. 1561, S.D. 1, C.D. 1;
H.B. No. 1578, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 1581, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 1608, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1668, S.D. 1, C.D. 1;
H.B. No. 1684, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 1689, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 1702, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1726, S.D. 1, C.D. 1;
H.B. No. 1739, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 1747, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1749, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 1752, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1753, H.D. 3, S.D. 2, C.D. 1;
H.B. No. 1756, H.D. 3, S.D. 2, C.D. 1;
H.B. No. 1807, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 1814, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1850, H.D. 1, S.D. 3, C.D. 1;
H.B. No. 1852, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1878, H.D. 1, S.D. 2, C.D. 1;

H.B. No. 1897, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1902, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 1907, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 1943, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1997, S.D. 1, C.D. 1;
H.B. No. 1999, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 2008, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 2009, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 2016, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 2017, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 2018, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 2029, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 2030, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 2034, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 2036, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 2037, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 2040, S.D. 1, C.D. 1;
H.B. No. 2049, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 2077, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 2090, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 2093, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 2121, H.D. 3, S.D. 2, C.D. 1;
H.B. No. 2156, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 2205, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 2231, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 2233, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 2247, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 2252, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 2267, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 2277, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 2279, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 2305, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 2317, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 2340, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 2353, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 2363, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 2389, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 2391, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 2482, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 2489, S.D. 1, C.D. 1;
H.B. No. 2559, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 2561, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 2569, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 2582, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 2604, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 2605, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 2626, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 2632, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 2646, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 2657, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 2671, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 2675, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 2707, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 2715, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 2722, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 2772, H.D. 1, S.D. 2, C.D. 1;
S.B. No. 911, S.D. 2, H.D. 2, C.D. 1;
S.B. No. 1311, S.D. 2, H.D. 1, C.D. 1;
S.B. No. 2076, S.D. 2, H.D. 1, C.D. 1;
S.B. No. 2106, H.D. 1, C.D. 1;
S.B. No. 2108, H.D. 1, C.D. 1;
S.B. No. 2131, S.D. 2, H.D. 2, C.D. 1;
S.B. No. 2196, S.D. 2, H.D. 1, C.D. 1;
S.B. No. 2213, S.D. 2, H.D. 1, C.D. 1;
S.B. No. 2217, S.D. 2, H.D. 1, C.D. 1;
S.B. No. 2289, S.D. 1, H.D. 1, C.D. 1;
S.B. No. 2298, S.D. 1, H.D. 1, C.D. 1;
S.B. No. 2317, S.D. 2, H.D. 1, C.D. 1;
S.B. No. 2319, S.D. 1, H.D. 3, C.D. 1;
S.B. No. 2330, S.D. 2, H.D. 2, C.D. 1;
S.B. No. 2375, S.D. 1, H.D. 1, C.D. 1;

S.B. No. 2384, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2387, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 2392, S.D. 2, H.D. 3, C.D. 1;
 S.B. No. 2408, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 2439, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2453, H.D. 1, C.D. 1;
 S.B. No. 2476, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 2512, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 2542, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 2547, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2550, H.D. 1, C.D. 1;
 S.B. No. 2551, H.D. 1, C.D. 1;
 S.B. No. 2555, H.D. 1, C.D. 1;
 S.B. No. 2557, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 2559, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2560, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 2561, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 2566, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2618, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 2630, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2645, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 2652, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 2659, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 2670, H.D. 1, C.D. 1;
 S.B. No. 2671, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 2672, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2673, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 2680, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2723, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 2731, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2788, H.D. 1, C.D. 1;
 S.B. No. 2812, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 2833, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 2845, H.D. 1, C.D. 1;
 S.B. No. 2849, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2850, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 2853, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 2854, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 2863, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 2888, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 2896, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 2904, H.D. 1, C.D. 1;
 S.B. No. 2910, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 2915, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 2922, H.D. 1, C.D. 1;
 S.B. No. 2981, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2987, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 3077, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 3084, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 3102, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 3109, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 3110, S.D. 1, H.D. 1, C.D. 1; and
 S.B. No. 3126, S.D. 2, H.D. 2, C.D. 1.

**STANDING COMMITTEE REPORT
 AND
 ADOPTION OF A RESOLUTION**

Senator Gabbard, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3727) recommending that S.R. No. 46, as amended in S.D. 1, be adopted.

Senator Green moved that Stand. Com. Rep. No. 3727 and S.R. No. 46, S.D. 1 be adopted, seconded by Senator Slom.

Senator Kahele rose to speak in strong support of the measure as follows:

“Colleagues, it is widely theorized by anthropologists that the ancient Hawaiians first arrived in these islands around AD 300. Twelve hundred years before Columbus set sail for the New World, and fourteen hundred years before Cook arrived in

the islands, these master seafarers and navigators migrated from the South Pacific, and when they arrived, the very first sight of their new world was the island of Hawai‘i at its southern tip at Ka Lae, otherwise known as South Point. They would settle on the South Kona coast, and over the course of the next 1,400 years, many more would follow, and they populated the entire island chain. But the original settlements of these ancient explorers remained in South Kona – specifically, the 15-mile stretch of coastline from Ka Lae to Miloli‘i.

“What exists today is the same way it was 1,400 years ago, a window back to the past, arguably the most pristine and culturally rich lands in all of the Hawaiian Islands. This area is extremely remote, accessible only by boat, helicopter, or a two-hour trek in a four-by-four vehicle. It is raw. It’s barren. It’s arid. It’s isolated. And if you ever get a chance to go there and you look around, you ask yourself, ‘Why would anyone want to live here? **How** did anyone live here?’ But they did. And when you go to Kapu‘a and you walk these lands and trails, as I have as a little boy, you cannot help but feel its mana. Its serenity and silence summon a reverence for this area. Ancient heiau; caves; petroglyphs; stone trails, of which now are the Na Ala Hele and Ala Kahakai Trail System; brackish water ponds; rare native plants and animal species fill the landscape. And at the crown jewel of this remote land is the most intact, preserved hōlua slide in all of the islands – so special, it is on the National Register of Historic Places.

“Now, what makes this hōlua slide so special? Surely, there are others in the Hawaiian Islands, as it was a favored sport of the ali‘i. But this is the only hōlua slide in the entire state next to the ocean. Archeologists have studied the hōlua slide at Kapu‘a for many, many years, and not one single archeologist can explain why this hōlua slide was built next to the ocean. Like the moai on Rapa Nui, why did the ancient Hawaiians build this great hōlua slide next to the ocean at Kapu‘a? It is an answer we may never know. Some questions often are never meant to be answered.

“As early as 1971, you have Senate Resolution 267, the designation of a state natural recreational and historical park at Kapu‘a and its surrounding ahupua‘a. Again, in 1983, the Senate debated another resolution asking for the same designation. They did so because Kapu‘a had now become the eye of developers, and talks of development, land classification changes, and discussions for an aquaculture park, possible resort, and luxury homes dominated the South Kona news in the early 1980s.

“However, there was a problem. The problem was a young, 38-year-old Hawaiian man had come home to Miloli‘i in 1980 and, inspired by Hōkūle‘a’s 1976 voyage to Tahiti, the Operation Protect Kaho‘olawe ‘Ohana, the creation of the Office of Hawaiian Affairs, and the cultural renaissance of the Hawaiian people, this man was determined to protect his ancestral home at Kapu‘a, where he lived as a young boy in the early 1940s. His name was Gilbert Kahele. That would begin a 36-year mission to protect Kapu‘a and its surrounding ahupua‘a from development.

“Less than 11 hours before he passed, on the 26th of January of this year, the late Senator Gilbert Kahele signed what would be his last bill, his last dying wish: Senate Bill 3071. And although Senate Bill 3071 will not make it to the governor’s desk, I want to personally thank each and every one of my Senate colleagues for your support and for supporting the late senator from Hilo and for expeditiously transmitting this to our colleagues in the House.

“Now, the resolution before you today carries that same essence; it carries that same intent; it carries the late Senator Gil Kahele’s spirit. Continued and constructive conversations with all parties and stakeholders involved to protect Kapu‘a and one

day incorporate it into the South Kona wilderness area – which he helped establish in 2012 – for perpetuity, so that these sacred lands will remain exactly as they are today for all Hawai‘i’s people and all future generations of Hawai‘i’s keiki to enjoy and to see. Colleagues, I humbly ask for your support of this resolution. Mahalo.”

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

“Thank you. I always support preservation of open lands and, of course, I’m especially happy when it occurs on the Big Island. I have serious concerns about using the gut-and-replace process in general and especially in the final days of session, but I’ll put those concerns aside to support my colleague from Hilo and the wishes of his father. Thank you.”

The motion was put by the Chair and carried, the report of the Committee was adopted and S.R. No. 46, S.D. 1, entitled: “SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ENGAGE IN EARNEST NEGOTIATIONS WITH THE CURRENT LAND OWNERS OF THE MAKAI LANDS OF KAPUA TO ACQUIRE THOSE LANDS ON BEHALF OF THE STATE OR TO LEASE THOSE LANDS IN PERPETUITY ON BEHALF OF THE STATE,” was adopted, with Senators Ruderman and Thielen voting “Aye with Reservations.”

ORDER OF THE DAY

MESSAGE FROM THE GOVERNOR

MATTER DEFERRED FROM TUESDAY, MAY 3, 2016

Gov. Msg. No. 1146, dated April 29, 2016, transmitting the Governor’s statement of objections to Senate Bill No. 2181, S.D. 2, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ACCESS TO TREATMENT FOR TERMINALLY ILL PATIENTS,” which was returned to the Senate without approval, was placed on file.

ADVISE AND CONSENT

Stand. Com. Rep. No. 3720 (Gov. Msg. No. 877):

Senator Tokuda moved that Stand. Com. Rep. No. 3720 be received and placed on file, seconded by Senator Dela Cruz and carried.

Senator Tokuda then moved that the Senate advise and consent to the nomination of RAY BLOUIN to the Tax Review Commission, term to expire June 30, 2019 (date of expiration removed by Gov. Msg. No. 890), seconded by Senator Dela Cruz.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3721 (Gov. Msg. No. 871):

Senator Tokuda moved that Stand. Com. Rep. No. 3721 be received and placed on file, seconded by Senator Dela Cruz and carried.

Senator Tokuda then moved that the Senate advise and consent to the nomination of MICHELLE NALANI FUJIMORI KAINA to the Tax Review Commission, term to expire June 30, 2019 (date of expiration removed by Gov. Msg. No. 890), seconded by Senator Dela Cruz.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3722 (Gov. Msg. No. 872):

Senator Tokuda moved that Stand. Com. Rep. No. 3722 be received and placed on file, seconded by Senator Dela Cruz and carried.

Senator Tokuda then moved that the Senate advise and consent to the nomination of WILLIAM PIPER II to the Tax Review Commission, term to expire June 30, 2019 (date of expiration removed by Gov. Msg. No. 890), seconded by Senator Dela Cruz.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3723 (Gov. Msg. No. 873):

Senator Tokuda moved that Stand. Com. Rep. No. 3723 be received and placed on file, seconded by Senator Dela Cruz and carried.

Senator Tokuda then moved that the Senate advise and consent to the nomination of DAWN LIPPERT to the Tax Review Commission, term to expire June 30, 2019 (date of expiration removed by Gov. Msg. No. 890), seconded by Senator Dela Cruz.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3724 (Gov. Msg. No. 875):

Senator Tokuda moved that Stand. Com. Rep. No. 3724 be received and placed on file, seconded by Senator Dela Cruz and carried.

Senator Tokuda then moved that the Senate advise and consent to the nomination of COLLEEN TAKAMURA to the Tax Review Commission, term to expire June 30, 2019 (date of expiration removed by Gov. Msg. No. 890), seconded by Senator Dela Cruz.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3725 (Gov. Msg. No. 874):

Senator Tokuda moved that Stand. Com. Rep. No. 3725 be received and placed on file, seconded by Senator Dela Cruz and carried.

Senator Tokuda then moved that the Senate advise and consent to the nomination of VAUGHN COOK to the Tax Review Commission, term to expire June 30, 2019, seconded by Senator Dela Cruz.

Senator Tokuda then moved that the term expiration date for Gov. Msg. No. 874 be revised pursuant to Gov. Msg. No. 890, which was received after the Committee on Ways and Means held decision making on Gov. Msg. No. 874, seconded by Senator Dela Cruz.

Senator Tokuda noted:

“If confirmed, the term expiration dates for the members of the Tax Review Commission will be in accordance with Article VII, Section 3 of the Hawai‘i State Constitution and Sections 232E-2 and 3, HRS.”

The motion to revise the term expiration date for Gov. Msg. No. 874 was put by the Chair and carried.

The motion to advise and consent to Gov. Msg. No. 874 was then put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3726 (Gov. Msg. No. 876):

Senator Tokuda moved that Stand. Com. Rep. No. 3726 be received and placed on file, seconded by Senator Dela Cruz and carried.

Senator Tokuda then moved that the Senate advise and consent to the nomination of JOHN KNOX to the Tax Review Commission, term to expire June 30, 2019, seconded by Senator Dela Cruz.

Senator Tokuda then moved that the term expiration date for Gov. Msg. No. 876 be revised pursuant to Gov. Msg. No. 890, which was received after the Committee on Ways and Means held decision making on Gov. Msg. No. 876, seconded by Senator Dela Cruz.

Senator Tokuda noted:

“If confirmed, the term expiration dates for the members of the Tax Review Commission will be in accordance with Article VII, Section 3, of the Hawai‘i State Constitution and Sections 232E-2 and 3, HRS.”

The motion to revise the term expiration date for Gov. Msg. No. 876 was put by the Chair and carried.

The motion to advise and consent to Gov. Msg. No. 876 was then put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

FINAL READING

S.B. No. 2077, S.D. 1, H.D. 2, C.D. 2:

Senator Keith-Agaran moved that S.B. No. 2077, S.D. 1, H.D. 2, C.D. 2, having been read throughout, pass Final Reading, seconded by Senator Kahele.

Senator Keith-Agaran requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Keith-Agaran’s remarks read as follows:

“Mr. President, I rise in support of this measure.

“This measure strikes a balance between providing relief to certain workers unfortunately impacted by the change in management of formerly publicly-owned facilities and administering the current level of benefits and obligations for continuing state employees. This measure reduces certain age requirements so that these disadvantaged workers may qualify for state retirement benefits under the Employees Retirement System and state-subsidized retirement medical insurance coverage under the Hawai‘i Employer-Union Health Benefits Trust Fund.

“Public employees who are losing their jobs as a result of the closure of a state or county facility frequently face economic hardship. Displaced employees may have only a few years of creditable service or may be close to retirement age and still need a few additional years of service to be eligible for benefits. The measure is the result of collaboration and compromise among organized labor leaders, public benefit administrators, and legislators in both chambers to address the complexity of these scenarios. While the primary goal of last year’s Act 103 was to maintain and improve healthcare and hospital services

on Maui, we were mindful that there would be impacts to the workforce at the Maui facilities covered by the Act. This bill provides some measure of equity for these workers in keeping with the commitment made to them for their public service.

“I urge my colleagues to support this measure.”

The motion was put by the Chair and carried, S.B. No. 2077, S.D. 1, H.D. 2, C.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SEPARATION BENEFITS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

MISCELLANEOUS COMMUNICATION

The following communication (Misc. Com. No. 4) was read by the Clerk and was placed on file:

Misc. Com. No. 4, letter dated May 15, 2015, from the Chair of the Senate Special Committee regarding Misc. Com. No. 5 (2015) reporting its initial findings and recommendations for further action on Misc. Com. No. 5.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 128 to 130) were read by the Clerk and were disposed of as follows:

S.R. No. 128 “SENATE RESOLUTION RETURNING ALL BILLS, CONCURRENT RESOLUTIONS, AND RESOLUTIONS TO THE CLERK’S DESK.”

Offered by: Senators English, Slom.

On motion by Senator Green, seconded by Senator Slom and carried, S.R. No. 128 was adopted.

S.R. No. 129 “SENATE RESOLUTION REGARDING COMPLETION OF THE WORK OF THE TWENTY-EIGHTH LEGISLATURE, REGULAR SESSION OF 2016, SUBSEQUENT TO THE ADJOURNMENT THEREOF.”

Offered by: Senators English, Slom.

On motion by Senator Green, seconded by Senator Slom and carried, S.R. No. 129 was adopted.

S.R. No. 130 “SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE.”

Offered by: Senators English, Slom.

On motion by Senator Green, seconded by Senator Slom and carried, S.R. No. 130 was adopted.

At 12:02 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:03 p.m.

At this time, Senator Galuteria acknowledged Tommie Sukanuma, his office manager and Majority Caucus chef, and thanked her for providing the caucus with gold-standard caucus cuisine.

Senator Galuteria then announced that the gift bags on the members’ desks were from State Representative Derek S.K. Kawakami, whose final day it was in the Legislature, to express great thanks to the State Senate. Senator Galuteria thanked Representative Kawakami for the gifts from Kaua‘i.

Senate President Kouchi then addressed the members of the Senate as follows:

“It’s been a very interesting year, and I thank those of you who gave me the opportunity to serve in this capacity and, as

challenging as the job is, to begin the year by losing such a trusted colleague....

“I talked on Opening Day about the courage exhibited by Senator Harimoto as he faced his physical challenges and persevered to be here today; Senator Slom and the challenges that he’s faced to be here; and I can’t tell you how heartening it was to hear on Tuesday and again today, ‘25 present.’ That’s been such a rare occurrence in this session.

“Some of us have lost siblings, parents, in-laws, and through it all, each of you found a way to come to work every day, even from at home, to make sure that, while you weren’t physically here, you were still plugged in and working on the people’s business, and I really want to take my hat off to each and every one of you for your dedication and your commitment in working together under such trying circumstances. I’ve tried to get to each one of our support staff offices and express the same sentiments to them, knowing the unusual circumstances that they were confronted with in trying to assist us in getting the people’s business done and what a fantastic job they did.

“And through all of the pain and the grief, we were also blessed to have new life brought to us by Senators Ruderman and Kahele to remind us why we’re here and who we’re working for, and I’m glad that we had the opportunity to smile, to celebrate, toward the end of the session, with this new life. And I think that the Ways and Means chair said it really well when she quoted Dr. Seuss: ‘Don’t cry because it’s over. Smile because it happened.’ She said that on Tuesday, and yesterday, as I was reading through some information, I came across a quote from Roz and Benjamin Zander, who wrote the book *The Art of Possibility*, and I’d like to close out our session by simply saying, ‘In the face of difficulty, we can despair, get angry, or choose possibility.’ And I congratulate each and every one of you for choosing possibility. I think we’ve got a great product for the people of Hawai‘i, something we can all be proud of, and I thank you very much for your efforts and your service.”

The Chair then announced:

“We will recess at this time to inform the House that the Senate is ready to adjourn.”

At 12:07 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:15 p.m.

ADJOURNMENT

Senator Green moved that the Senate of the Twenty-Eighth Legislature of the State of Hawai‘i, Regular Session of 2016, adjourn Sine Die, seconded by Senator Slom and carried.

At 12:16 p.m., the President rapped his gavel and declared the Senate of the Twenty-Eighth Legislature of the State of Hawai‘i, Regular Session of 2016, adjourned Sine Die.