

FIFTY-EIGHTH DAY

Friday, April 28, 2017

The Senate of the Twenty-Ninth Legislature of the State of Hawai'i, Regular Session of 2017, convened at 7:10 p.m. with the President in the Chair.

The Roll was called showing all Senators present.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 10 to 15) were read by the Clerk and were placed on file:

Gov. Msg. No. 10, letter dated April 27, 2017, transmitting a proposed draft amending S.B. No. 914 to fund the arbitration award concerning Collective Bargaining Units 2, 8, 9, and 13.

Gov. Msg. No. 11, letter dated April 27, 2017, transmitting a proposed draft amending S.B. No. 915 to fund the arbitration award concerning Collective Bargaining Units 3 and 4.

Gov. Msg. No. 12, letter dated April 27, 2017, transmitting a proposed draft amending S.B. No. 918 to fund the tentative agreement concerning Collective Bargaining Unit 6.

Gov. Msg. No. 13, letter dated April 27, 2017, transmitting a proposed conference draft to fund the tentative agreement concerning Collective Bargaining Units 1 and 10.

Gov. Msg. No. 14, letter dated April 27, 2017, transmitting a proposed draft amending S.B. No. 919 to fund the tentative agreement concerning Collective Bargaining Unit 7.

Gov. Msg. No. 15, letter dated April 27, 2017, transmitting a proposed draft amending S.B. No. 926 to fund the tentative agreement concerning Collective Bargaining Unit 14.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 631 to 636) were read by the Clerk and were placed on file:

Hse. Com. No. 631, informing the Senate that on April 27, 2017, S.B. No. 715, S.D. 2, H.D. 1, C.D. 1 passed Final Reading in the House of Representatives.

Hse. Com. No. 632, informing the Senate that on April 27, 2017, the House reconsidered its action taken on April 4, 2017, in disagreeing to the amendments proposed by the Senate to H.B. No. 563, H.D. 1 (S.D. 1).

Hse. Com. No. 633, informing the Senate that on April 27, 2017, the House reconsidered its action taken on April 13, 2017, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 374, H.D. 2 (S.D. 2);
H.B. No. 599, H.D. 1 (S.D. 2); and
H.B. No. 1534, H.D. 1 (S.D. 2).

Hse. Com. No. 634, informing the Senate that on April 28, 2017, the Speaker appointed conferees on the part of the House for the consideration of amendments proposed by the House to the following measure:

S.C.R. No. 169, S.D. 1 (H.D. 1):

Representatives Takayama, Ito, Cullen, co-chairs; LoPresti, Tupola.

Hse. Com. No. 635, informing the Senate that on April 28, 2017, the Speaker discharged all conferees to H.B. No. 733, H.D. 1 (S.D. 2).

Hse. Com. No. 636, informing the Senate that on April 28, 2017, the Speaker discharged all conferees to the following bills:

H.B. No. 1230, H.D. 1 (S.D. 2); and
H.B. No. 1333, H.D. 1 (S.D. 1).

CONFERENCE COMMITTEE REPORTS

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 102, presented a report (Conf. Com. Rep. No. 83) recommending that S.B. No. 102, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 83 and S.B. No. 102, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FEDERAL FUNDING POLICY STUDY," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 712, presented a report (Conf. Com. Rep. No. 84) recommending that S.B. No. 712, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 84 and S.B. No. 712, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE VARIANCE REPORT," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 713, S.D. 1, presented a report (Conf. Com. Rep. No. 85) recommending that S.B. No. 713, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 85 and S.B. No. 713, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUDGET DOCUMENTS," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 722, S.D. 1, presented a report (Conf. Com. Rep. No. 86) recommending that S.B. No. 722, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 86 and S.B. No. 722, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EFFICIENCY MEASURES," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 387, S.D. 1, presented a report (Conf. Com. Rep. No. 87) recommending that S.B. No. 387, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 87 and S.B. No. 387, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 953, S.D. 2, presented a report (Conf.

Com. Rep. No. 88) recommending that S.B. No. 953, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 88 and S.B. No. 953, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1006, S.D. 1, presented a report (Conf. Com. Rep. No. 89) recommending that S.B. No. 1006, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 89 and S.B. No. 1006, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTATE AND GENERATION-SKIPPING TRANSFER TAXES," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 292, S.D. 1, presented a report (Conf. Com. Rep. No. 90) recommending that S.B. No. 292, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 90 and S.B. No. 292, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Rhoads, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1748) recommending that the Senate advise and consent to the nomination of NORINE HAYES to the Natural Area Reserves System Commission, in accordance with Gov. Msg. No. 717.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1748 and Gov. Msg. No. 717 was deferred until Tuesday, May 2, 2017.

Senator Rhoads, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1749) recommending that the Senate advise and consent to the nominations to the Moloka'i Irrigation System Water Users Advisory Board of the following:

OLIVIO ARIOS, in accordance with Gov. Msg. No. 752; and

OLIVIO ARIOS, in accordance with Gov. Msg. No. 753.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1749 and Gov. Msg. Nos. 752 and 753 was deferred until Tuesday, May 2, 2017.

Senator Kahele, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1750) recommending that the Senate advise and consent to the nominations to the Board of Regents of the University of Hawai'i of the following:

SIMEON ACOBA, in accordance with Gov. Msg. No. 778;

BENJAMIN KUDO, in accordance with Gov. Msg. No. 779; and

NORMA SPARKS (Nominee's name amended to NORMA DOCTOR SPARKS by Gov. Msg. No. 832), in accordance with Gov. Msg. No. 780.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1750 and Gov. Msg. Nos. 778, 779, and 780 was deferred until Tuesday, May 2, 2017.

ORDER OF THE DAY

AGREE/DISAGREE

MATTER DEFERRED FROM THURSDAY, APRIL 27, 2017

S.C.R. No. 153, S.D. 1 (H.D. 1):

On motion by Senator Espero, seconded by Senator English and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 153, S.D. 1, and requested a conference on the subject matter thereof.

ADVISE AND CONSENT

Stand. Com. Rep. No. 1739 (Gov. Msg. No. 609):

Senator Tokuda moved that Stand. Com. Rep. No. 1739 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 PATRICK ING to the Board of Taxation Review, 2nd Taxation District (Maui), term to expire June 30, 2018, 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. 1740 (Gov. Msg. No. 610):

Senator Tokuda moved that Stand. Com. Rep. No. 1740 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 RICHARD DRAYSON as Chairperson of the Board of Taxation Review, 2nd Taxation District (Maui), term to expire June 30, 2018, 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. 1741 (Gov. Msg. No. 611):

Senator Tokuda moved that Stand. Com. Rep. No. 1741 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 CURTIS to the Board of Taxation Review, 2nd Taxation District (Maui), term to expire June 30, 2017, 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. 1742 (Gov. Msg. No. 612):

Senator Tokuda moved that Stand. Com. Rep. No. 1742 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 CURTIS as Vice Chairperson of the Board of Taxation Review, 2nd Taxation District (Maui), term to expire June 30, 2021, 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. 1743 (Gov. Msg. No. 676):

Senator Tokuda moved that Stand. Com. Rep. No. 1743 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 RICHARD ROVELSTAD to the Board of Taxation Review, 3rd Taxation District (Hawaii), term to expire June 30, 2021, 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. 1744 (Gov. Msg. No. 677):

Senator Tokuda moved that Stand. Com. Rep. No. 1744 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 NEIL HIRASUNA to the Board of Taxation Review, 1st Taxation District (O'ahu), term to expire June 30, 2019, 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. 1745 (Gov. Msg. Nos. 817, 818, 819, 820, 821, 822, 823, and 824):

Senator Rhoads moved that Stand. Com. Rep. No. 1745 be received and placed on file, seconded by Senator Gabbard and carried.

Senator Rhoads then moved that the Senate advise and consent to the nominations to the Game Management Advisory Commission of the following:

ROBERT CREMER, term to expire June 30, 2019 (Gov. Msg. No. 817);

NANCY TIMKO, term to expire June 30, 2020 (Gov. Msg. No. 818);

RYAN KOHATSU, term to expire June 30, 2020 (Gov. Msg. No. 819);

JOSIAH JURY, term to expire June 30, 2019 (Gov. Msg. No. 820);

LORI BUCHANAN, term to expire June 30, 2019 (Gov. Msg. No. 821);

JEFFERY DEREGO, term to expire June 30, 2020 (Gov. Msg. No. 822);

STANLEY RUIDAS, term to expire June 30, 2018 (Gov. Msg. No. 823); and

JON SABATI, term to expire June 30, 2018 (Gov. Msg. No. 824),

seconded by Senator Gabbard.

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. 1747 (Gov. Msg. No. 703):

At this time, the Chair stated:

“Members, pursuant to Senate Rule 37(3), the final question on nominations made by the governor that require the advice and consent of the Senate must be stated in the affirmative. Therefore, those casting Aye votes are voting to confirm, and those casting No votes are voting to reject the nomination.

“The recommendation of the Committee on Commerce, Consumer Protection, and Health on Governor’s Message No. 703 is that the Senate not advise and consent to the nomination of Thomas Gorak to the Public Utilities Commission. Therefore, the Chair will first entertain a motion to file Standing Committee Report No. 1747, then we will move on to the final vote on this matter.”

At 7:14 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:31 p.m.

The Chair announced:

“Just to remind the members: We are first dealing with Standing Committee Report 1747.”

Senator Baker moved that Stand. Com. Rep. No. 1747, as amended to delete the third paragraph from the bottom of page 4, be received and placed on file, seconded by Senator English and carried.

The Chair then directed the Clerk to place the amended committee report in the Journal.

Senator Espero moved that the Senate advise and consent to the nomination of THOMAS GORAK to the Public Utilities Commission, term to expire June 30, 2022, seconded by Senator English.

Senator Ruderman rose to request a Roll Call vote, and the Chair so ordered.

Senator Riviere rose to speak in support of the nominee as follows:

“We have had the nominee in his hearing the other day, and we’ll note that 76 or so people and groups came in in support; there were only 3 in opposition – 3 people who used to work at the PUC. The gentleman before us is extremely well-qualified; he’s eminently qualified – everybody says so. **Everybody says so.** Some of the testimony that was used against him by one of the testifiers referred to an expert named Scott Hempling, and this person used Scott Hempling and his policies on regulatory affairs against Mr. Gorak. Mr. Hempling is a strong advocate and supporter of Mr. Gorak. Mr. Hempling is a regulatory expert known nationally and well-renowned. Mr. Gorak has 37 years or so, he’s got decades of regulatory experience. He’s exactly the person we need in the State of Hawai’i to move us forward with our renewable energy portfolio. He’s exactly the person we need with the expertise to help navigate the trials and tribulations that are going to come as we move to this new world. Hawaiian Electric sometimes needs a little coaxing and they need some direction; they need someone who’s going to be strong, somebody who knows the ins and outs.

“There are people here today, I believe, who probably will be opposing Mr. Gorak, and I, for the life of me, can’t understand why. We’ve looked at it, and there was a case that was presented to the circuit court that said that the governor’s nomination on interim appointment was wrong. But, Mr. President, the circuit court ruled against – ruled that the governor has the right to have an interim appointment, and it’s common sense! If the Senate is not in session, the governor has authority to nominate a person to fill the void. If we do nothing, or if we vote against

Mr. Gorak, or even if we support him, his term will expire at the end – the interim term will expire at the end of this session. If we deny his nomination today, he will be out at the end of next week, and we will have no third Public Utilities Commissioner, and we will have no expert that we have seen for the years that he has served the State of Hawai‘i. This guy is a valuable asset to the people of Hawai‘i! We’re not just knocking him out; if he doesn’t make it today, we’re not knocking him out – we’re hurting the people of Hawai‘i. Why? I can’t wait to hear somebody get up and say why this guy is not qualified for this job. The court case was ruled that the governor had the prerogative to make the interim appointment. That interim appointment is expiring. Whether that court rules one way or the other is not going to matter; we have a nomination going forward for the next four years. He’s eminently qualified; everybody knows it, and there’s something afoot here, and I think people are going to be voting against him and I just think, if they do, that would be wrong, so I am in the strongest of support for Tom Gorak. Thank you very much.”

Senator Ihara rose to speak in support of the nominee as follows:

“Because the Consumer Protection committee report discussed the Senate’s advise and consent process, I wanted to address its valid underlying concerns and the governor’s constitutional interim appointment authority superiority over holdover status created by statute. I agree with the chair of the Consumer Protection committee that the legal question at issue in *Morita v. Gorak* should be resolved by the courts – whether a holdover statute and its requirements can limit the governor’s interim appointment authority granted by the constitution and whether the Senate’s constitutional advise and consent authority was impermissibly denied by the Gorak and similar interim appointments. In the attorney general’s opinion, April 26th, he explained that, no matter if the Senate confirms or rejects Mr. Gorak, the *Morita* appeal would be moot but that the appellate court would likely still decide the appeal because a similar or repetitive situation could happen. He also said that since the appeal turns on a constitutional law question, only a ruling by an appellate court would resolve the question unless – and there’s one caveat – unless the appellate voluntarily dismisses her appeal, which I assume is unlikely.

“There is another concern about checks and balances between the governor and the Senate in the use of their respective constitutional powers to, on the one hand, make executive interim appointments and, on the other, provide advise and consent. Checks and balances serve in part to avoid imbalance among the co-equal branches of government and curb abuses of power. It appears to me that the superiority of constitutionally authorized interim appointments – their superiority over statutorily created holdover status is appropriate. While it’s possible general appointments and interim appointments could be used to manipulate the outcome of decisions, interim appointees without Senate confirmation have a fixed term of less than one year. If, on the other hand, PUC-type holdover officials could not be replaced by an interim appointee, the holdovers could have their terms extended by a mischievous governor or Senate. The Senate could keep in office a favored commissioner for almost two additional years by rejecting all nominations submitted to it. So the holdover person stays on for two years. And the Senate would not ever do that. The governor, in turn, could retain a high official for two additional years by using a holdover statute without Senate confirmation simply by not submitting nominations. In 2007, the Senate rejected gubernatorial nominees for a few departments – Department of Land and Natural Resources, Department of Public Safety, and other high officials – and there was some belief that the absence of a nominee for the Labor department director may have been a factor in the governor not submitting a nomination for fear of possible

rejection. Right now, if the governor does not have constitutional interim appointment authority to replace a holdover member of a board or commission, any governor could extend their first-term cabinet members without having to go through a Senate confirmation, which I think would be improper. I believe maximum one-year interim appointments followed by Senate confirmation allows for less political mischief than the almost-two additional years that holdovers would get in situations that I believe would harm the public trust.

“All legal issues aside, I believe we are indeed fortunate to have the caliber of Mr. Gorak here in Hawai‘i to shape our state’s energy and regulatory future. I believe the Senate should fairly consider Mr. Gorak’s qualifications and confirm him today. Thank you, Mr. President.”

Senator Thielen rose to speak in support of the nominee as follows:

“I do not know Mr. Gorak; I met him for the first time the other day when he came to my office when he was doing his rounds, meeting with us for the nomination. And I’ve looked carefully at the testimony that was submitted and listened to the arguments that were made. It seems that a lot of the displeasure that’s expressed by some of my colleagues regarding Mr. Gorak relates to the choice to nominate him rather than to retain a certain commissioner on the Public Utilities Commission. And I can understand that displeasure: Sometimes we don’t get the nominees we would like. But that said, it seems to me we are misdirecting our displeasure at the nominee, as opposed to the nominator.

“The other argument I hear is that there is displeasure at the way the commission was run and information about that was shared with Mr. Gorak during his tenure as an attorney for the commission. But again, it seems to me we are misdirecting our displeasure at the nominee rather than the person who was heading the Public Utilities Commission and the supervisor of the nominee at the time that he was working there.

“I understand that there are limited way to express our displeasure, and it’s one thing to express it in a bill, to amend it or reject it. But I think it’s a completely different thing when you’re dealing with the nomination of a person. I’ve sat up there myself and watched the vote take place down here, when I was nominated as chair of the Department of Land and Natural Resources. And while many legislators say it’s not personal – and that’s true for legislation – it’s deeply personal when you’re sitting up there as the nominee because we’re voting on the nominee as a person. So, in looking at all the evidence that’s in front of me, I’m coming down on the fact that every single person, including the committee chair, is saying that it’s not a question that this gentleman is qualified to serve as a Public Utilities Commissioner. And that’s why I’m going to be voting in favor of him and ask that you do as well.”

The Chair having so ordered (on the Fifty-Ninth Day, May 2, 2017), Senator Thielen’s additional remarks read as follows:

“Mr. President, colleagues, I again speak in support of the nominee, but also to highlight the extremely unusual nature of this Committee’s recommendation to reject this nominee.

“The Chair of the Committee has not provided any substantive floor remarks to explain why we should reject this nominee. Indeed, the Chair has been uncharacteristically silent tonight regarding the recommendation. Normally a Chair making such a recommendation would detail specific reasons to reject a nominee. We have yet to hear any.

“Nor has any other member of the Senate spoken out to give any reason to reject the nominee. Again, normally you’d hear several members explaining why we should vote to oppose a

nomination, why they think the person is unqualified to hold this position.

“Even more unusually, the Committee Report recognizes that the nominee IS qualified to serve as a Commissioner of the Public Utilities Commission. The Chair of the Committee recognizes the nominee is qualified.

“So why is there a recommendation to vote this person down? The Report cites one lone reason to reject the nominee: because there is a pending judicial appeal on the question of whether the Governor had the authority to nominate this person as an interim appointee. Apparently the Committee – mistakenly, as it turns out – believed at the time of writing the report that our confirming the nominee will jeopardize the pending appeal.

“Mr. President, I want to attach to my remarks a recent opinion from the Attorney General that directly addresses this question. This opinion was prepared at the request of a Committee member after the Committee made its recommendation. The member asked the AG if the Committee concern were valid, whether confirming the nominee **would** jeopardize the pending appeal. This AG Opinion has been shared with every Senator, and we had a chance to discuss the opinion and hear directly from the Attorney General’s Office prior to this vote here tonight. Therefore, the privilege over this opinion has already been waived, and every Senator voting tonight has had an opportunity to read it and hear directly from the First Deputy and Deputy Attorney who wrote this Opinion (the AG himself is on the mainland right now).

“According to the AGs, the Committee report’s rationale to reject the nominee is meritless. The Committee report claims that approving the nominee will moot out the appeal, and by inference, rejecting the nominee will preserve the appeal.

“According to the AG, either approving or rejecting the nominee will moot the issue on appeal. However, because the issue whether the Governor had the legal authority to make an interim appointment applies to most Executive appointments, and is an issue that is capable of repetition but evading review, the court most likely will still hear the appeal, regardless of our vote tonight.

“Furthermore, the AG has said – in writing and to all of us tonight – that they support the appeal, believe that the court should rule on the issue to provide certainty for future Executive interim appointments, and will not seek to dismiss the case regardless of our vote.

“So the one, lone reason we have been given to vote against this nominee, is meritless.

“We have before us, literally, sitting upstairs in the gallery, a gentleman who by every account is highly qualified to be a State Public Utilities Commissioner.

“In the immortal words of Ferris Bueller’s teacher: ‘Can anyone in this Chamber give me a reason for rejecting Mr. Gorak’s nomination to the PUC?’

“Anyone?”

“Anyone?”

The Chair having so ordered, the opinion from the Attorney General is identified as “**ATTACHMENT A**” to the Journal of this Day.

Senator Harimoto rose to speak in support of the nominee as follows:

“I also do not know Mr. Gorak; I just met him a few weeks ago when he came to pay a courtesy visit. I reviewed his resumé, and I think, by all accounts, he is a very qualified

individual. I did review all the testimony; as was previously mentioned, almost every testimony also is in support and talks of his qualifications. You know, in my mind, the only question at hand is: Is Mr. Gorak qualified for this position or not? All of the other issues, questions, are not part of this decision. So if we look at ‘Is he qualified or not?’, I find absolutely no reason for us to deny this confirmation. As was mentioned, there were over 60 testimony in favor of Mr. Gorak and only 3 in opposition, and I think that speaks volumes. And I believe, in addition to these, were not counted are all the emails that we’re receiving: It’s all in support of Mr. Gorak.

“And good people don’t come by very often, and I fear that if we treat good people in the manner that Mr. Gorak has been treated, I fear that we’re going to suffer from a lack of good people stepping forward. We need good people to serve this state, and if we just limit our decision to looking at ‘Is he qualified?’, I do not believe there is any reason that we should find him not qualified. There has been, I believe, innuendos; there have been, perhaps, anonymous concerns raised through someone else. I think, if we are to find any credibility in those reports, we need to have some evidence. So, again, I stand in support of Mr. Gorak and I will be voting in strong support. Thank you.”

Senator Ruderman rose to speak in support of the nominee as follows:

“Thank you; I’ll be brief. I want to speak because I think it’s very important, although I realize my words will sway few, if any, members. Tom Gorak is eminently qualified, perhaps more so than anyone in the state. Very important decisions are in process and more coming along. The PUC needs expertise such as his to address these, as the PUC and most of his staff have said. I’ve spoken to several attorneys and staff at the PUC, all of whom expressed unqualified support and were surprised by the whispered innuendo against him and denied the accuracy of such. He has been accused of lacking judgment for the simple reason that he accepted the appointment. The governor called him to provide his expertise to benefit our state, and he answered – this was his only crime. The statements that the appointment was not legal are curious; the attorney general says it was legal and a court upheld that. Yet we are asked to assume that this will be turned over on appeal and to act on an appeal whose decision is not before us and may never occur. We’re asked to imagine that the attorney general and the court are in error with no basis to do so. If the appointment was not legal, then virtually all interim appointments are not legal. In any case, we’re not voting on the interim appointment; we’re voting on the perfectly legal, unchallenged nomination before us.

“We’re asked to deny this nomination in part because those who would have spoken against it were intimidated from doing so and we should listen more closely to innuendo and unspoken words than the abundant legal support before us. Only 3 people spoke against the nominee while over 60 spoke in support. Curiously, the three opposing testimonies were not among those presented in advance even though the existence of those testimonies was announced loudly weeks in advance. The nominee and the committee entered the hearing with only visible support and were blindsided by opposition carefully coordinated and obviously prepared well in advance. All those opposing him have an axe to grind unrelated to the nominee. The ambush he walked into was inexcusable. He was treated with antagonism from the start to finish, and I, for one, apologize to the nominee for the unfair treatment he received at our hands. The defamatory statements in the original, already-published committee report is one such example. As the *Star-Advertiser* said so clearly, ‘If there’s any just cause to dismiss Gorak, it was not identified at the hearing.’

“We all know this is not about the timing of the process but about the NextEra decision. The decision would have been the

same with or without Mr. Gorak on the commission and with or without his vote. There's a great desire for payback against someone, maybe the PUC or the administration, and Mr. Gorak is the scapegoat for a decision he did not control. After a 40-year stellar career, this man's reputation is being dragged through the mud in a veritable witch hunt. It is unfair to the nominee and beneath the dignity of this body to do so. For those few of you who are free to vote your conscience, I urge you to confirm this nominee for the benefit of our state, our renewable energy goals, and, most importantly, the integrity of the Senate. Thank you."

The motion was put by the Chair and, Roll Call vote having been requested, failed to carry on the following showing of Ayes and Noes:

Ayes, 10. Noes, 15 (Baker, Dela Cruz, English, Gabbard, Galuteria, Inouye, Kahele, Keith-Agaran, Kidani, Kouchi, Nishihara, Shimabukuro, Taniguchi, Tokuda, Wakai).

ADOPTION OF A RESOLUTION

MATTER DEFERRED FROM THURSDAY, APRIL 27, 2017

Stand. Com. Rep. No. 1746 (H.C.R. No. 89):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and H.C.R. No. 89, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONVENE A BASIC ECONOMIC SECURITY WORKING GROUP," was adopted.

FINAL ADOPTION

S.C.R. No. 32, S.D. 1 (H.D. 1):

On motion by Senator Espero, seconded by Senator English and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 32, S.D. 1, and S.C.R. No. 32, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF HEALTH, OFFICE OF LANGUAGE ACCESS, AND DISABILITY AND COMMUNICATION ACCESS BOARD JOINTLY CONVENE A WORKING GROUP OF STAKEHOLDERS TO EXAMINE THE NEED FOR POSSIBLE REGULATION AND OVERSIGHT OF AMERICAN SIGN LANGUAGE INTERPRETERS AND AMERICAN SIGN LANGUAGE INTERPRETER REFERRAL AGENCIES IN HAWAII," was Finally Adopted.

S.C.R. No. 78, S.D. 1 (H.D. 1):

On motion by Senator Espero, seconded by Senator English and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 78, S.D. 1, and S.C.R. No. 78, S.D. 1, H.D. 1, entitled: "SENATE 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 24TH ANNIVERSARY OF SISTER-STATE RELATIONS BETWEEN HAWAII AND TAIWAN," was Finally Adopted.

S.C.R. No. 105, S.D. 1 (H.D. 1):

On motion by Senator Espero, seconded by Senator English and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 105, S.D. 1, and S.C.R. No. 105, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS

THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS, MUTUAL BENEFIT SOCIETIES, AND HEALTH MAINTENANCE ORGANIZATIONS TO PROVIDE COVERAGE FOR MEDICALLY NECESSARY COGNITIVE REHABILITATION THERAPY FOR SURVIVORS OF TRAUMATIC BRAIN INJURY," Finally Adopted.

S.C.R. No. 162 (H.D. 1):

On motion by Senator Espero, seconded by Senator English and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 162, and S.C.R. No. 162, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION, HIGH SCHOOL ASSOCIATIONS, AND HIGHER EDUCATION INSTITUTIONS IN HAWAII IN PARTNERSHIP WITH DEBATE ORGANIZATIONS TO WORK WITH THE HOUSE OF REPRESENTATIVES COMMITTEE ON LEGISLATIVE MANAGEMENT TO PROMOTE EVENTS FOR STUDENTS TO DEBATE ON CURRENT ISSUES AFFECTING HAWAII AND THE NATION," was Finally Adopted.

FINAL READING

Conf. Com. Rep. No. 2 (S.B. No. 194, H.D. 2, C.D. 1):

On motion by Senator Kidani, seconded by Senator Baker and carried, Conf. Com. Rep. No. 2 was adopted and S.B. No. 194, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TUBERCULOSIS TESTING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 3 (H.B. No. 832, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Ihara and carried, Conf. Com. Rep. No. 3 was adopted and H.B. No. 832, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 133, S.D. 2, H.D. 2:

On motion by Senator Keith-Agaran, seconded by Senator Tokuda and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 133, S.D. 2, and S.B. No. 133, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES' FRINGE BENEFITS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 562, S.D. 1, H.D. 1:

On motion by Senator Nishihara, seconded by Senator Keith-Agaran and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 562, S.D. 1, and S.B. No. 562, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Kim). Noes, 1 (Ruderman).

S.B. No. 969, H.D. 2:

On motion by Senator Keith-Agaran, seconded by Senator Tokuda and carried, the Senate agreed to the amendments

proposed by the House to S.B. No. 969, and S.B. No. 969, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1002, S.D. 1, H.D. 1:

On motion by Senator Tokuda, seconded by Senator Dela Cruz and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1002, S.D. 1, and S.B. No. 1002, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY TO THE INTERNAL REVENUE CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At this time, the Chair made the following announcement:

"The decking deadline for all fiscal bills in conference is 11:30 p.m. tonight."

Senator Tokuda recognized staff members of the Committee on Ways and Means, as well as her office staff, who were seated in the gallery, and thanked them for their hard work.

Senator Galuteria announced that caucus would be meeting promptly at 10:00 a.m. the following Monday.

CONFERENCE COMMITTEE REPORTS

On motion by Senator Espero, seconded by Senator English and carried unanimously, the Senate authorized the Clerk to receive conference committee reports on Senate and House bills for Final Reading. In consequence thereof, and subsequent to its recessing at 7:57 p.m., the Senate took the following actions:

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 382, S.D. 2, presented a report (Conf. Com. Rep. No. 91) recommending that S.B. No. 382, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 91 and S.B. No. 382, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," was deferred for a period of 48 hours.

Senator Nishihara, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 99, S.D. 1, presented a report (Conf. Com. Rep. No. 92) recommending that S.B. No. 99, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 92 and S.B. No. 99, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING CHOICE VOUCHER PROGRAM," was deferred for a period of 48 hours.

Senator Nishihara, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 407, S.D. 1, presented a report (Conf. Com. Rep. No. 93) recommending that S.B. No. 407, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 93 and S.B. No. 407, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 545, S.D. 2, presented a report (Conf. Com. Rep. No. 94) recommending that S.B. No. 545, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 94 and S.B. No. 545, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FESTIVAL OF PACIFIC ARTS," was deferred for a period of 48 hours.

Senator Espero, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1244, S.D. 2, presented a report (Conf. Com. Rep. No. 95) recommending that S.B. No. 1244, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 95 and S.B. No. 1244, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," was deferred for a period of 48 hours.

Senator Kidani, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 423, S.D. 1, presented a report (Conf. Com. Rep. No. 96) recommending that S.B. No. 423, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 96 and S.B. No. 423, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT MEALS," was deferred for a period of 48 hours.

Senator Kidani, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1286, S.D. 2, presented a report (Conf. Com. Rep. No. 97) recommending that S.B. No. 1286, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 97 and S.B. No. 1286, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE TRADE, VOCATIONAL, AND TECHNICAL SCHOOLS," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 911, S.D. 1, presented a report (Conf. Com. Rep. No. 98) recommending that S.B. No. 911, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 98 and S.B. No. 911, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM," was deferred for a period of 48 hours.

Senator Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 718, S.D. 1, presented a report (Conf. Com. Rep. No. 99) recommending that S.B. No. 718, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 99 and S.B. No. 718, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMUNITY COURT OUTREACH PROJECT," was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 149, presented a report (Conf. Com. Rep. No. 100) recommending that S.B. No. 149, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 100 and S.B. No. 149, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was deferred for a period of 48 hours.

Senator Gabbard, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 559, S.D. 1, presented a report (Conf. Com. Rep. No. 101) recommending that S.B. No. 559, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 101 and S.B. No. 559, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CLIMATE CHANGE," was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 885, S.D. 2, presented a report (Conf. Com. Rep. No. 102) recommending that S.B. No. 885, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 102 and S.B. No. 885, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE RISK MANAGEMENT AND INSURANCE ADMINISTRATION," was deferred for a period of 48 hours.

Senator Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 935, S.D. 2, presented a report (Conf. Com. Rep. No. 103) recommending that S.B. No. 935, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 103 and S.B. No. 935, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STAFF OF THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," was deferred for a period of 48 hours.

Senator Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 930, S.D. 2, presented a report (Conf. Com. Rep. No. 104) recommending that S.B. No. 930, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 104 and S.B. No. 930, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY OF THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," was deferred for a period of 48 hours.

Senator Wakai, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 902, S.D. 1, presented a report (Conf. Com. Rep. No. 105) recommending that S.B. No. 902, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 105 and S.B. No. 902, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," was deferred for a period of 48 hours.

Senator Wakai, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 908, S.D. 1, presented a report (Conf. Com. Rep. No. 106) recommending that S.B. No. 908, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 106 and S.B. No. 908, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS REGULATORY FLEXIBILITY ACT," was deferred for a period of 48 hours.

Senator Wakai, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 900, S.D. 1, presented a report (Conf. Com. Rep. No. 107) recommending that S.B. No. 900, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 107 and S.B. No. 900, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY-BASED ECONOMIC DEVELOPMENT TECHNICAL AND FINANCIAL ASSISTANCE PROGRAM," was deferred for a period of 48 hours.

Senator Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 469, S.D. 2, presented a report (Conf. Com. Rep. No. 108) recommending that S.B. No. 469, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 108 and S.B. No. 469, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," was deferred for a period of 48 hours.

Senator Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 936, S.D. 2, presented a report (Conf. Com. Rep. No. 109) recommending that S.B. No. 936, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 109 and S.B. No. 936, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred for a period of 48 hours.

Senator Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 207, S.D. 2, presented a report (Conf. Com. Rep. No. 110) recommending that S.B. No. 207, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 110 and S.B. No. 207, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 50, H.D. 3, presented a report (Conf. Com. Rep. No. 111) recommending that H.B. No. 50, H.D. 3, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 111 and H.B. No. 50, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPRAISAL MANAGEMENT COMPANIES," was deferred for a period of 48 hours.

Senator Nishihara, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 478, H.D. 1, presented a report (Conf. Com. Rep. No. 112) recommending that H.B. No. 478, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 112 and H.B. No. 478, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1436, H.D. 2, presented a report (Conf. Com. Rep. No. 113) recommending that H.B. No. 1436, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 113 and H.B. No. 1436, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AWARDED FEDERAL EMERGENCY MANAGEMENT AGENCY HAZARD MITIGATION GRANT," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 942, H.D. 1, presented a report (Conf. Com. Rep. No. 114) recommending that H.B. No. 942, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 114 and H.B. No. 942, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FILIPINO VETERANS," was deferred for a period of 48 hours.

Senator Nishihara, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1420, H.D. 1, presented a report (Conf. Com. Rep. No. 115) recommending that H.B. No. 1420, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 115 and H.B. No. 1420, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FILIPINO VETERANS BURIAL ASSISTANCE," was deferred for a period of 48 hours.

Senator Shimabukuro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 451, H.D. 1, presented a report (Conf. Com. Rep. No. 116) recommending that H.B. No. 451, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 116 and H.B. No. 451, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT," was deferred for a period of 48 hours.

Senator Nishihara, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 144, H.D. 1, presented a report (Conf. Com. Rep. No. 117) recommending that H.B. No. 144, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 117 and H.B. No. 144, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MITIGATION OF HAZARDOUS SITUATIONS STATEWIDE," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 471, H.D. 1, presented a report (Conf. Com. Rep. No. 118) recommending that H.B. No. 471, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 118 and H.B. No. 471, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1414, H.D. 1, presented a report (Conf. Com. Rep. No. 119) recommending that H.B. No. 1414, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 119 and H.B. No. 1414, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TAXATION," was deferred for a period of 48 hours.

Senator Gabbard, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 523, presented a report (Conf. Com. Rep. No. 120) recommending that H.B. No. 523, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 120 and H.B. No. 523, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 209, H.D. 1, presented a report (Conf. Com. Rep. No. 121) recommending that H.B. No. 209, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 121 and H.B. No. 209, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Senator Kahele, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 428, H.D. 1, presented a report (Conf. Com. Rep. No. 122) recommending that H.B. No. 428, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 122 and H.B. No. 428, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIAN WORKFORCE ASSESSMENT," was deferred for a period of 48 hours.

Senator Keith-Agaran, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1115, H.D. 1, presented a report (Conf. Com. Rep. No. 123) recommending that H.B. No. 1115, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 123 and H.B. No. 1115, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII LABOR RELATIONS BOARD," was deferred for a period of 48 hours.

Senator Espero, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 530, H.D. 2, presented a report (Conf.

Com. Rep. No. 124) recommending that H.B. No. 530, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 124 and H.B. No. 530, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOMEBUYER ASSISTANCE," was deferred for a period of 48 hours.

Senator Gabbard, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 453, H.D. 1, presented a report (Conf. Com. Rep. No. 125) recommending that H.B. No. 453, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 125 and H.B. No. 453, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 235, H.D. 1, presented a report (Conf. Com. Rep. No. 126) recommending that H.B. No. 235, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 126 and H.B. No. 235, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred for a period of 48 hours.

Senator Green, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 83, H.D. 1, presented a report (Conf. Com. Rep. No. 127) recommending that H.B. No. 83, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 127 and H.B. No. 83, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," was deferred for a period of 48 hours.

Senator Green, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 615, H.D. 1, presented a report (Conf. Com. Rep. No. 128) recommending that H.B. No. 615, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 128 and H.B. No. 615, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HEALTHY AGING PARTNERSHIP PROGRAM," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 607, H.D. 1, presented a report (Conf. Com. Rep. No. 129) recommending that H.B. No. 607, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 129 and H.B. No. 607, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KUPUNA CARE," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 552, H.D. 1, presented a report (Conf. Com. Rep. No. 130) recommending that H.B. No. 552, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 130 and H.B. No. 552, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1244, H.D. 1, presented a report (Conf. Com. Rep. No. 131) recommending that H.B. No. 1244, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 131 and H.B. No. 1244, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CESSPOOLS," was deferred for a period of 48 hours.

Senator Gabbard, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 186, H.D. 1, presented a report (Conf. Com. Rep. No. 132) recommending that H.B. No. 186, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 132 and H.B. No. 186, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COFFEE BERRY BORER BEETLE," was deferred for a period of 48 hours.

Senator Kahele, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 571, H.D. 1, presented a report (Conf. Com. Rep. No. 133) recommending that H.B. No. 571, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 133 and H.B. No. 571, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred for a period of 48 hours.

Senator Keith-Agaran, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1114, H.D. 1, presented a report (Conf. Com. Rep. No. 134) recommending that H.B. No. 1114, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 134 and H.B. No. 1114, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH PENALTIES," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 100, H.D. 1, presented a report (Conf. Com. Rep. No. 135) recommending that H.B. No. 100, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 135 and H.B. No. 100, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 143, presented a report (Conf. Com. Rep. No. 136) recommending that H.B. No. 143, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 136 and H.B. No. 143, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO STATE BONDS,” was deferred for a period of 48 hours.

Senator Nishihara, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1465, H.D. 2, presented a report (Conf. Com. Rep. No. 137) recommending that H.B. No. 1465, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 137 and H.B. No. 1465, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LIQUOR,” was deferred for a period of 48 hours.

Senator Keith-Agaran, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 213, H.D. 1, presented a report (Conf. Com. Rep. No. 138) recommending that H.B. No. 213, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 138 and H.B. No. 213, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FAMILY LEAVE,” was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1382, H.D. 1, presented a report (Conf. Com. Rep. No. 139) recommending that H.B. No. 1382, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 139 and H.B. No. 1382, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROCUREMENT,” was deferred for a period of 48 hours.

Senator Gabbard, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1475, H.D. 2, presented a report (Conf. Com. Rep. No. 140) recommending that H.B. No. 1475, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 140 and H.B. No. 1475, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS,” was deferred for a period of 48 hours.

Senator Wakai, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1578, H.D. 1, presented a report (Conf. Com. Rep. No. 141) recommending that H.B. No. 1578, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 141 and H.B. No. 1578, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CLIMATE CHANGE,” was deferred for a period of 48 hours.

Senator Kahele, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 427, H.D. 2, presented a report (Conf. Com. Rep. No. 142) recommending that H.B. No. 427, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 142 and H.B. No. 427, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DARK NIGHT SKIES PROTECTION,” was deferred for a period of 48 hours.

Senator Gabbard, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1351, H.D. 1, presented a report (Conf. Com. Rep. No. 143) recommending that H.B. No. 1351, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 143 and H.B. No. 1351, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ELECTRONIC DEVICE RECYCLING FUND,” was deferred for a period of 48 hours.

Senator Kidani, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 957, H.D. 1, presented a report (Conf. Com. Rep. No. 144) recommending that H.B. No. 957, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 144 and H.B. No. 957, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HEAT ABATEMENT,” was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 375, H.D. 1, presented a report (Conf. Com. Rep. No. 145) recommending that H.B. No. 375, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 145 and H.B. No. 375, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” was deferred for a period of 48 hours.

Senator Shimabukuro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 335, H.D. 2, presented a report (Conf. Com. Rep. No. 146) recommending that H.B. No. 335, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 146 and H.B. No. 335, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS,” was deferred for a period of 48 hours.

Senator Keith-Agaran, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1031, H.D. 1, presented a report (Conf. Com. Rep. No. 147) recommending that H.B. No. 1031, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 147 and H.B. No. 1031, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS,” was deferred for a period of 48 hours.

Senator Keith-Agaran, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 508, H.D. 1, presented a report (Conf. Com. Rep. No. 148) recommending that H.B. No. 508, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 148 and H.B. No. 508, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ETHICS,” was deferred for a period of 48 hours.

Senator Rhoads, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 632, H.D. 1, presented a report (Conf.

Com. Rep. No. 149) recommending that H.B. No. 632, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 149 and H.B. No. 632, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER INFRASTRUCTURE LOANS," was deferred for a period of 48 hours.

Senator Rhoads, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 633, H.D. 1, presented a report (Conf. Com. Rep. No. 150) recommending that H.B. No. 633, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 150 and H.B. No. 633, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ASSISTING DAM AND RESERVOIR OWNERS," was deferred for a period of 48 hours.

Senator Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 917, S.D. 1, presented a report (Conf. Com. Rep. No. 151) recommending that S.B. No. 917, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 151 and S.B. No. 917, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT COST ITEMS," was deferred for a period of 48 hours.

Senator Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 923, S.D. 1, presented a report (Conf. Com. Rep. No. 152) recommending that S.B. No. 923, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 152 and S.B. No. 923, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT COST ITEMS," was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 850, presented a report (Conf. Com. Rep. No. 153) recommending that S.B. No. 850, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 153 and S.B. No. 850, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1016, S.D. 1, presented a report (Conf. Com. Rep. No. 154) recommending that S.B. No. 1016, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 154 and S.B. No. 1016, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was deferred for a period of 48 hours.

Senator Rhoads, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1148, S.D. 2, presented a report (Conf. Com. Rep. No. 155) recommending that S.B. No. 1148, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 155 and S.B. No. 1148, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT," was deferred for a period of 48 hours.

Senator Baker, for the majority of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 501, S.D. 1, presented a report (Conf. Com. Rep. No. 156) recommending that S.B. No. 501, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 156 and S.B. No. 501, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred for a period of 48 hours.

Senator Rhoads, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 808, S.D. 1, presented a report (Conf. Com. Rep. No. 157) recommending that S.B. No. 808, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 157 and S.B. No. 808, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII ASSOCIATION OF CONSERVATION DISTRICTS," was deferred for a period of 48 hours.

Senator Rhoads, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1240, S.D. 2, presented a report (Conf. Com. Rep. No. 158) recommending that S.B. No. 1240, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 158 and S.B. No. 1240, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC LIFE," was deferred for a period of 48 hours.

Senator Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 914, S.D. 1, presented a report (Conf. Com. Rep. No. 159) recommending that S.B. No. 914, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 159 and S.B. No. 914, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT COST ITEMS," was deferred for a period of 48 hours.

Senator Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 915, S.D. 1, presented a report (Conf. Com. Rep. No. 160) recommending that S.B. No. 915, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 160 and S.B. No. 915, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT COST ITEMS," was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 165, H.D. 1, presented a report (Conf. Com. Rep. No. 161) recommending that H.B. No. 165, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 161 and H.B. No. 165, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," was deferred for a period of 48 hours.

Senator Keith-Agaran, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 110, H.D. 1, presented a report (Conf. Com. Rep. No. 162) recommending that H.B. No. 110, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 162 and H.B. No. 110, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS," was deferred for a period of 48 hours.

Senator Keith-Agaran, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 208, H.D. 2, presented a report (Conf. Com. Rep. No. 163) recommending that H.B. No. 208, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 163 and H.B. No. 208, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 306, H.D. 2, presented a report (Conf. Com. Rep. No. 164) recommending that H.B. No. 306, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 164 and H.B. No. 306, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTINUOUS ALCOHOL MONITORING FOR REPEAT OFFENDERS," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 735, H.D. 2, presented a report (Conf. Com. Rep. No. 165) recommending that H.B. No. 735, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 165 and H.B. No. 735, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL INDUSTRY," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1152, H.D. 1, presented a report (Conf. Com. Rep. No. 166) recommending that H.B. No. 1152, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 166 and H.B. No. 1152, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION, PROJECT ADJUSTMENT FUND," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 997, H.D. 2, presented a report (Conf. Com. Rep. No. 167) recommending that H.B. No. 997, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 167 and H.B. No. 997, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS," was deferred for a period of 48 hours.

Senator Kidani, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1231, H.D. 1, presented a report (Conf. Com. Rep. No. 168) recommending that H.B. No. 1231, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 168 and H.B. No. 1231, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," was deferred for a period of 48 hours.

Senator Kidani, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 937, H.D. 1, presented a report (Conf. Com. Rep. No. 169) recommending that H.B. No. 937, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 169 and H.B. No. 937, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY LEARNING," was deferred for a period of 48 hours.

Senator Kidani, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 498, H.D. 1, presented a report (Conf. Com. Rep. No. 170) recommending that H.B. No. 498, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 170 and H.B. No. 498, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY LEARNING," was deferred for a period of 48 hours.

Senator Kidani, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 880, H.D. 1, presented a report (Conf. Com. Rep. No. 171) recommending that H.B. No. 880, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 171 and H.B. No. 880, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," was deferred for a period of 48 hours.

Senator Kidani, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 116, H.D. 1, presented a report (Conf. Com. Rep. No. 172) recommending that H.B. No. 116, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 172 and H.B. No. 116, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS," was deferred for a period of 48 hours.

Senator Gabbard, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1325, H.D. 1, presented a report (Conf. Com. Rep. No. 173) recommending that H.B. No. 1325, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 173 and H.B. No. 1325, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR

AN ACT RELATING TO BIOSECURITY,” was deferred for a period of 48 hours.

Senator Espero, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1179, H.D. 2, presented a report (Conf. Com. Rep. No. 174) recommending that H.B. No. 1179, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 174 and H.B. No. 1179, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HOUSING,” was deferred for a period of 48 hours.

Senator Keith-Agaran, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1022, H.D. 1, presented a report (Conf. Com. Rep. No. 175) recommending that H.B. No. 1022, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 175 and H.B. No. 1022, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES,” was deferred for a period of 48 hours.

Senator Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 918, S.D. 1, presented a report (Conf. Com. Rep. No. 176) recommending that S.B. No. 918, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 176 and S.B. No. 918, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT COST ITEMS,” was deferred for a period of 48 hours.

Senator Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 919, S.D. 1, presented a report (Conf. Com. Rep. No. 177) recommending that S.B. No. 919, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 177 and S.B. No. 919, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT COST ITEMS,” was deferred for a period of 48 hours.

Senator Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 926, S.D. 1, presented a report (Conf. Com. Rep. No. 178) recommending that S.B. No. 926, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 178 and S.B. No. 926, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT COST ITEMS,” was deferred for a period of 48 hours.

Senator Nishihara, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 26, S.D. 1, presented a report (Conf. Com. Rep. No. 179) recommending that S.B. No. 26, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 179 and S.B. No. 26, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE OFFICE OF

THE PROSECUTING ATTORNEY FOR HAWAII COUNTY,” was deferred for a period of 48 hours.

Senator Nishihara, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 491, S.D. 1, presented a report (Conf. Com. Rep. No. 180) recommending that S.B. No. 491, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 180 and S.B. No. 491, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU,” was deferred for a period of 48 hours.

Senator Rhoads, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 839, H.D. 1, presented a report (Conf. Com. Rep. No. 181) recommending that H.B. No. 839, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 181 and H.B. No. 839, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES,” was deferred for a period of 48 hours.

Senator Nishihara, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 637, H.D. 2, presented a report (Conf. Com. Rep. No. 182) recommending that H.B. No. 637, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 182 and H.B. No. 637, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE STATE BUILDING CODES,” was deferred for a period of 48 hours.

Senator Rhoads, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 575, H.D. 1, presented a report (Conf. Com. Rep. No. 183) recommending that H.B. No. 575, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 183 and H.B. No. 575, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC LANDS,” was deferred for a period of 48 hours.

Senator Kahele, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 794, H.D. 1, presented a report (Conf. Com. Rep. No. 184) recommending that H.B. No. 794, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 184 and H.B. No. 794, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ENERGY AT THE UNIVERSITY OF HAWAII,” was deferred for a period of 48 hours.

Senator Kahele, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 847, H.D. 1, presented a report (Conf. Com. Rep. No. 185) recommending that H.B. No. 847, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 185 and H.B. No. 847, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR

AN ACT RELATING TO UNIVERSITY OF HAWAII RESEARCH,” was deferred for a period of 48 hours.

Senator Wakai, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 627, H.D. 2, presented a report (Conf. Com. Rep. No. 186) recommending that H.B. No. 627, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 186 and H.B. No. 627, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC-PRIVATE PARTNERSHIPS,” was deferred for a period of 48 hours.

Senator Wakai, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 475, H.D. 1, presented a report (Conf. Com. Rep. No. 187) recommending that H.B. No. 475, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 187 and H.B. No. 475, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MOVIE THEATRES,” was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1044, H.D. 1, presented a report (Conf. Com. Rep. No. 188) recommending that H.B. No. 1044, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 188 and H.B. No. 1044, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO RENEWABLE FUELS TAX CREDIT,” was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 591, H.D. 1, presented a report (Conf. Com. Rep. No. 189) recommending that H.B. No. 591, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 189 and H.B. No. 591, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE CAPITAL INFRASTRUCTURE TAX CREDIT,” was deferred for a period of 48 hours.

Senator Wakai, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 423, H.D. 2, presented a report (Conf. Com. Rep. No. 190) recommending that H.B. No. 423, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 190 and H.B. No. 423, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FILM AND DIGITAL MEDIA INDUSTRY DEVELOPMENT,” was deferred for a period of 48 hours.

Senator Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 859, S.D. 1, presented a report (Conf. Com. Rep. No. 191) recommending that S.B. No. 859, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 191 and S.B. No. 859, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR

AN ACT RELATING TO WORKERS’ COMPENSATION,” was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1183, S.D. 2, presented a report (Conf. Com. Rep. No. 192) recommending that S.B. No. 1183, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 192 and S.B. No. 1183, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1488, H.D. 1, presented a report (Conf. Com. Rep. No. 193) recommending that H.B. No. 1488, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 193 and H.B. No. 1488, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MEDICAL MARIJUANA,” was deferred for a period of 48 hours.

Senator Wakai, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1469, H.D. 1, presented a report (Conf. Com. Rep. No. 194) recommending that H.B. No. 1469, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 194 and H.B. No. 1469, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC LANDS,” was deferred for a period of 48 hours.


Senator Inouye, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 115, H.D. 1, presented a report (Conf. Com. Rep. No. 195) recommending that H.B. No. 115, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, action on Conf. Com. Rep. No. 195 and H.B. No. 115, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HIGHWAYS,” was deferred for a period of 48 hours.

ADJOURNMENT

At 12:00 a.m. midnight, the Senate adjourned until 10:00 a.m., Tuesday, May 2, 2017.

ATTACHMENT A



DAVID Y. IGE
GOVERNOR

DOUGLAS S. CHIN
ATTORNEY GENERAL

RUSSELL A. SUZUKI
FIRST DEPUTY ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
425 QUEEN STREET
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April 26, 2017

The Honorable Les Ihara, Jr.
Senator, District 10
The Twenty-Ninth State Legislature
State Capitol, Room 220
415 South Beretania Street
Honolulu, Hawaii, 96813

Re: Relationship Between *Morita v. Gorak* and the Nomination of
Thomas Gorak to Serve on the Public Utilities Commission

Dear Senator Ihara:

We are writing to respond to your e-mail from early this morning, asking several questions regarding the relationship between the pending case *Morita v. Gorak* and the nomination of Thomas Gorak for a full-term appointment on the Public Utilities Commission.

Questions and Short Answers. We have consolidated your questions as follows, with short answers.

- How would the *Morita v. Gorak* appeal to the Intermediate Court of Appeals be affected, if at all, by Senate confirmation or rejection of PUC nominee Thomas Gorak? Would either outcome render the *Morita* appeal moot?

In our view, the *Morita v. Gorak* appeal will be rendered moot regardless of how the Senate votes on Mr. Gorak's nomination. But our appellate courts will likely still rule on the appeal by invoking an exception to the mootness doctrine, called "capable of repetition, yet evading review." Given this likelihood, the only way the appellate courts could not decide the appeal would be for the appellant, Hermina Morita, to voluntarily dismiss her appeal. The State and Mr. Gorak did not file the appeal and therefore cannot voluntarily dismiss it.

- Is Mr. Gorak's nomination for a position as PUC commissioner, to expire June 30, 2022, at issue in the *Morita v. Gorak* appeal, directly or indirectly?

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No. The only issue in the *Morita v. Gorak* is the propriety of Mr. Gorak's interim appointment under article V, section 6 of the Hawai'i Constitution. This is legally and factually distinct from the full-term appointment presently under Senate consideration.

- If it goes forward, will *Morita v. Gorak* resolve the legal disagreement between the Department of the Attorney General and the Senate, as evident from the Attorney General Op. No. 16-3, issued July 15, 2016, and the Senate's amicus brief from August 2016?

Yes. In resolving the *Morita v. Gorak* appeal, the appellate court will likely resolve this disagreement. Because the appeal turns on a question of state constitutional law, a ruling from our appellate courts is the only way to conclusively resolve this question.

Background. As you will recall, Governor Ige appointed Mr. Gorak to the PUC as a commissioner, effective July 1, 2016, on an interim basis. His predecessor's term had expired on June 30, 2016. Mr. Gorak's appointment was made under the interim appointments provision in article V, section 6 of the Hawai'i Constitution. Under that provision, the Governor may fill "a vacancy in any office, appointment to which requires the confirmation of the senate," when "the senate is not in session[.]" Unless later confirmed by the Senate, such an appointment expires "at the end of the next session of the senate."

In July 2016, Hermina Morita brought suit against Mr. Gorak and the State, claiming that Mr. Gorak's interim appointment was improper. The challenge concerns only the interim appointment. Ms. Morita argued that Mr. Gorak's predecessor was permitted by statute to stay in office as a holdover commissioner, thus preventing there from being a vacancy under article V, section 6. In August 2016, Judge Edwin C. Nacino of the Circuit Court of the First Circuit rejected her claim, instead accepting Mr. Gorak and the State's arguments that a vacancy was created by the end of the predecessor's term and that the statutory holdover provision did not displace the Governor's interim appointments authority.

Ms. Morita appealed. The appeal is presently in briefing before the Intermediate Court of Appeals, CAAP-16-0000686. The appeal turns on whether the interim appointment was proper.

In March 2017, Governor Ige sent a Governor's message submitting Mr. Gorak for consideration and confirmation on the PUC, for a term to end June 30, 2022. GM 703. As you know, on April 21, 2017, the Senate Committee on Commerce, Consumer Protection, and Health voted, 4-3, against recommending Mr. Gorak for confirmation by the full Senate. We understand that the full Senate will vote on the matter in the near future.

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The current session of the Senate will end with the Legislature's adjournment *sine die* on May 4, 2017. Thus, unless confirmed by the Senate before then, Mr. Gorak's interim appointment will end with the Senate's adjournment.

Analysis. There are only two possible outcomes at this juncture: Mr. Gorak is confirmed or he is not. Either result will render the appeal moot. This is so because either outcome will terminate the *interim* appointment that is the subject of the appeal. If Mr. Gorak is confirmed, this confirmation will be for a *full-term* appointment, which will end on June 30, 2022. The interim appointment will have been replaced. If, on the other hand, Mr. Gorak is not confirmed, then his interim appointment will expire with the adjournment of the Senate on May 4.

As a result, regardless of how the Senate proceeds, the appeal in *Morita v. Gorak* will shortly become moot. But there is an exception to the mootness doctrine that the court could invoke and allow the appeal to go forward. A court will not dismiss a case as moot if the "passage of time would prevent a single plaintiff" from completing the case:

[W]e have repeatedly recognized an exception to the mootness doctrine in cases involving questions that affect the public interest and are 'capable of repetition yet evading review.' . . .

Among the criteria considered in determining the existence of the requisite degree of public interest are the public or private nature of the question presented, the desirability of an authoritative determination for the future guidance of public officers, and the likelihood of future recurrence of the question. The phrase, "capable of repetition, yet evading review," means that a court will not dismiss a case on the grounds of mootness where a challenged governmental action would evade full review because the passage of time would prevent any single plaintiff from remaining subject to the restriction complained of for the period necessary to complete the lawsuit.

Diamond v. State, Bd. of Land and Nat. Res., 112 Hawai'i 161, 170, 145 P.3d 704, 713 (2006) (emphasis added; citations and internal quotation marks omitted). *Diamond* concerned the legality of a shoreline certification, which was valid only for one year and had already expired by the time the Court reached the case. The Court concluded that the exception to mootness applied, reasoning that "it is virtually certain that, given that the appeals process generally takes more than one year, any future shoreline certification of this or any other property will expire before the appellate process is complete, effectively frustrating appellate review[.]" *Id.* at 172, 145 P.3d at 715.

The interim appointment at issue in *Morita v. Gorak* can last, at most, just over ten months (July 1, 2016 to May 4, 2017). In fact, the longest that any interim

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appointment could last would be about a year (from just after the Senate adjourns from one regular session until the following adjournment). There is little doubt that the exercise of this authority is of great public importance, both for Mr. Gorak's appointment and to resolve this question for any other interim appointment that may be made in future. The Court in *Diamond* proceeded with the merits of that case in analogous circumstances. See also *Okada Trucking Co., Ltd. v. Bd. of Water Supply*, 99 Hawaii 191, 197, 53 P.3d 799, 805 (2002) (collecting cases). We cannot, of course, speak for our appellate courts. Based on this analysis, however, we believe that the appellate courts will likely resolve the legal question presented in *Morita v. Gorak* regardless of its imminent mootness. Resolving this appeal would put to rest the disagreement between Atty. Gen. Op. 16-3 and the Senate's amicus brief.

In the interests of completeness, we note that Ms. Morita could opt to voluntarily dismiss her appeal under Hawaii Rules of Appellate Procedure (HRAP) Rule 42(b). This approach cannot be initiated by Mr. Gorak and the State, as they prevailed before the trial court and the choice to file the appeal was not theirs to make.

Please feel free to contact me if we may be of further assistance.

Very truly yours,

Doug Chin
Attorney General

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