

FIFTEENTH DAY

Friday, February 13, 2015

The Senate of the Twenty-Eighth Legislature of the State of Hawai'i, Regular Session of 2015, convened at 11:33 a.m. with the President in the Chair.

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

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

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 9 and 10) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 9, transmitting H.B. No. 179, H.D. 1, which passed Third Reading in the House of Representatives on February 12, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Espero and carried, H.B. No. 179, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERMANENT ABSENTEE BALLOTS," passed First Reading by title and was deferred.

Hse. Com. No. 10, transmitting H.B. No. 604, which passed Third Reading in the House of Representatives on February 12, 2015, was placed on file.

On motion by Senator Green, seconded by Senator Espero and carried, H.B. No. 604, entitled: "A BILL FOR AN ACT RELATING TO SAKADA DAY," passed First Reading by title and was deferred.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 21 to 23) were read by the Clerk and were deferred:

S.C.R. No. 21 "SENATE CONCURRENT RESOLUTION URGING THE PEOPLE'S REPUBLIC OF CHINA TO HONOR ITS PROMISE AND COMMITMENT TO NO LONGER HARVEST ORGANS FROM EXECUTED PRISONERS FOR ORGAN TRANSPLANTS."

Offered by: Senators Shimabukuro, Baker, Kidani, Espero, Riviere, Ruderman.

S.C.R. No. 22 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ADOPT ADMINISTRATIVE RULES REQUIRING A RESTAURANT WITH TWENTY OR MORE LOCATIONS IN THE STATE TO POST CALORIE AND CARBOHYDRATE INFORMATION FOR STANDARD MENU ITEMS ON THE MENU OR MENU BOARD AND TO PROVIDE ALL OTHER NUTRITION INFORMATION TO CUSTOMERS IN THE RESTAURANT, UPON REQUEST."

Offered by: Senators Shimabukuro, Baker, English, Kidani, Espero, Gabbard, Ruderman, Thielen.

S.C.R. No. 23 "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII ACCESS TO JUSTICE COMMISSION TO ASSEMBLE VARIOUS STATE AND COMMUNITY ENTITIES TO DETERMINE WHICH AGENCY OR ORGANIZATION SHOULD ADMINISTER FUNDING FOR CIVIL LEGAL SERVICES TO LOW- AND MODERATE-INCOME INDIVIDUALS."

Offered by: Senators Keith-Agaran, Baker, English, Kidani, Shimabukuro, Espero, Gabbard, Riviere, Ruderman.

SENATE RESOLUTION

The following resolution (S.R. No. 6) was read by the Clerk and was deferred:

S.R. No. 6 "SENATE RESOLUTION REQUESTING THE HAWAII ACCESS TO JUSTICE COMMISSION TO ASSEMBLE VARIOUS STATE AND COMMUNITY ENTITIES TO DETERMINE WHICH AGENCY OR ORGANIZATION SHOULD ADMINISTER FUNDING FOR CIVIL LEGAL SERVICES TO LOW- AND MODERATE-INCOME INDIVIDUALS."

Offered by: Senators Keith-Agaran, Baker, English, Kidani, Shimabukuro, Espero, Riviere.

STANDING COMMITTEE REPORTS

Senator Green, for the majority of the Committee on Health, presented a report (Stand. Com. Rep. No. 150) recommending that S.B. No. 1036, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Espero and carried, the report of the majority of the Committee was adopted and S.B. No. 1036, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TREATMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Thielen and Gabbard, for the Committee on Water and Land and the Committee on Energy and Environment, presented a joint report (Stand. Com. Rep. No. 151) recommending that S.B. No. 544 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Espero and carried, the joint report of the Committees was adopted and S.B. No. 544, entitled: "A BILL FOR AN ACT RELATING TO NATURAL RESOURCES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Thielen and Gabbard, for the Committee on Water and Land and the Committee on Energy and Environment, presented a joint report (Stand. Com. Rep. No. 152) recommending that S.B. No. 1165, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Espero and carried, the joint report of the Committees was adopted and S.B. No. 1165, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF OCEAN RESOURCES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Dela Cruz and Keith-Agaran, for the majority of the Committee on Government Operations and the majority of the Committee on Judiciary and Labor, presented a joint report (Stand. Com. Rep. No. 153) recommending that S.B. No. 728, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Espero and carried, the joint report of the majority of the Committees was adopted and S.B. No. 728, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT CONTRACTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 154) recommending that S.B. No. 984, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Espero and carried, the report of the Committee was adopted and S.B. No. 984, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 155) recommending that S.B. No. 1215, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Espero and carried, the report of the Committee was adopted and S.B. No. 1215, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Green, for the Committee on Human Services and Housing and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 156) recommending that S.B. No. 964, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Espero and carried, the joint report of the Committees was adopted and S.B. No. 964, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Keith-Agaran, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 157) recommending that S.B. No. 472, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Espero and carried, the report of the Committee was adopted and S.B. No. 472, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF INFORMATION PRACTICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Keith-Agaran, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 158) recommending that S.B. No. 364, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Espero and carried, the report of the Committee was adopted and S.B. No. 364, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Keith-Agaran, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 159) recommending that S.B. No. 243, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Espero and carried, the report of the Committee was adopted and S.B. No. 243, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Keith-Agaran, for the majority of the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 160) recommending that S.B. No. 248, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Espero and carried, the report of the majority of the Committee was adopted and S.B. No. 248, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRUST FUNDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Keith-Agaran, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 161) recommending that S.B. No. 147, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Espero and carried, the report of the Committee was adopted and S.B. No. 147, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Keith-Agaran, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 162) recommending that S.B. No. 1072 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Espero and carried, the report of the Committee was adopted and S.B. No. 1072, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF THE ATTORNEY GENERAL," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 149 (Gov. Msg. No. 506):

Senator Baker moved that Stand. Com. Rep. No. 149 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of CATHERINE AWAKUNI COLON as Director of the Department of Commerce and Consumer Affairs, term to expire December 3, 2018, seconded by Senator Taniguchi.

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

"Thank you, Madam President. Colleagues, it is with great pleasure that I rise in support of Governor's Message 506 to advise and consent to the nomination of Catherine Awakuni Colón as the director of the State of Hawaii's Department of Commerce and Consumer Affairs.

"Ms. Awakuni Colón comes to the position with considerable knowledge and experience of consumer affairs as a former Consumer Advocate and more recently, as the Administrator of the Cable Television Division as well as her experience as the chief attorney for the PUC, which is now transitioning to become an attached agency to the Department of Commerce and Consumer Affairs. She has spent the last 13 years in government service for the people of Hawai'i in roles that affect consumer affairs and commerce as well as having an intimate understanding of the department she is going to now lead.

"Some may argue that equally as important as her commendable experience, Ms. Awakuni Colón also brings to

this position the passion to serve our community, a perceptive and thoughtful intelligence, and an exceedingly calm demeanor.

"Ms. Awakuni Colón was described by her supporters as 'a dedicated public servant,' as 'always diligent, quick to give a response, grasp complex issues and problems, thoughtful, and fair.' Also, these words described her abilities: 'transparent,' 'open to input,' and 'effective in developing solutions to complex issues.'

"She was lauded by those she had the responsibility to regulate when she was the Consumer Advocate as 'particularly well-qualified and -suited to lead the DCCA in fulfilling the Department's responsibilities for protecting the interests of consumers, depositors, and investors throughout the state.' Each piece of testimony we received could not have been more supportive of her appointment as director. Cat, as she is known, received high praise from her former boss, the outgoing director of DCCA, Keali'i Lopez.

"Indeed, during the committee hearing, our committee members were a little bit at a loss for words as to what her weaknesses might be. In fact, one of our colleagues who's not here today asked if she had one. After some thought, she responded that often, a person's strengths are also their weaknesses. She went on to elaborate that she trusts people and sometimes that can give her some pause. She said she knows the department well but can always learn more. I thought that was a very important statement to make to us.

"Admitting fault is something many people are hesitant to do, but Ms. Awakuni Colón's reflective response shows thoughtfulness and self-awareness. It shows a level of integrity we expect and need from those we entrust to administer our executive departments.

"The State of Hawai'i is truly fortunate to have a person of Ms. Awakuni Colón's background and caliber to offer herself for public service. Colleagues, I ask you to join me in voting aye on Governor's Message 506 to confirm Ms. Catherine Awakuni Colón as the next director of the Department of Commerce and Consumer Affairs. Mahalo."

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

"Thank you, Madam President. I rise in support of the measure and request that the previous speaker's remarks be entered into the Journal as if they were my own." (The Chair so ordered, by reference only.)

"I would also like to add that with the appointment of Catherine to be the director of DCCA, Governor Ige has made an excellent choice. I would also add, colleagues, that Catherine comes from good stock, both from her mother and her dad. Her father and I served in the United States Marine Corps in our younger days. Colleagues, I ask for your support in the appointment of Catherine Awakuni Colón to be the director of DCCA. Thank you very much."

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

"Thank you very much, Madam President. I just want to also echo what was being said and that she definitely does come from good stock. My direct boss at Legal Aid Society is her brother, Russ, who I think is up in the gallery; I tell everyone he's the best boss I ever had, and it's true. But the Awakunis definitely are great leaders and they come from many lines of great leaders, so we're very lucky. Cat is also my classmate from UH law school, so I'm very, very happy with this appointment."

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

Ayes, 24. Noes, none. Excused, 1 (Slom).

At this time, Senator Baker introduced newly confirmed Director Catherine Awakuni Colón, who was accompanied in the gallery by her husband, Michael; her son, Sage; her parents, Edwin and Judith Awakuni; her brother, Russ; her sister-in-law, Tina; Uncle Roy and Aunt Judy; and Aunt Sandy Miyasato.

The Chair acknowledged the presence of Governor David Y. Ige in the gallery.

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

The Senate reconvened at 11:54 a.m.

RE-REFERRAL OF SENATE BILLS

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

S.B. No.:	Re-referred to:
S.B. No. 128	Committee on Transportation, then to the Committee on Ways and Means
S.B. No. 661	Jointly to the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Higher Education and the Arts, then to the Committee on Ways and Means

Senator Green rose to speak on a point of personal privilege as follows:

"A very special person in our midst was born on Valentine's Day not so many years ago. We love her very much: Carol Taniguchi, would you stand up, please? We just wanted to say happy birthday, Madam President."

Senator Ruderman rose to speak on a point of personal privilege as follows:

"In a longstanding tradition by the Local Food Caucus, which started in 2014, the members of our Senate of the female persuasion will find on their desks a chocolate bar that is 100 percent grown and manufactured on the Big Island. This is a token, with pride and appreciation, for the growing 'Made In Hawai'i' industry; and perhaps one day, we'll achieve true gender equality and the male members will receive a chocolate bar, too."

ADJOURNMENT

At 11:56 a.m., on motion by Senator Green, seconded by Senator Espero and carried, the Senate adjourned until 11:30 a.m., Tuesday, February 17, 2015.