

FORTY-NINTH DAY

Friday, April 11, 2014

The Senate of the Twenty-Seventh Legislature of the State of Hawai'i, Regular Session of 2014, convened at 11:37 a.m. with the President in the Chair.

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

The President announced that she had read and approved the Journal of the Forty-Eighth Day.

At this time, Senator Green noted that the American Massage Therapy Association (AMTA) and its Hawaii Chapter were celebrating their nineteenth Annual Legislative Massage Awareness Day, and were conducting chair massages at the Capitol with proceeds going to benefit the Hawaii Foodbank. Representing AMTA and its Hawaii Chapter was Ms. Mahana Byington who was present in the gallery.

Senator Kahele welcomed Carolyn and Tony Fink of Sacramento, California, who were visiting O'ahu and Maui. Senator Kahele noted that Tony Fink, a veteran, had served in the Air Force for 24 years; and Tony's wife, Carolyn, works with nonprofit organizations to support veterans as well as with the Placer County Democratic Party.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 676 and 677) were read by the Clerk and were placed on file:

Hse. Com. No. 676, informing the Senate that on April 10, 2014, the House disagreed to the amendments proposed by the Senate to the following bills:

H.B. No. 154, H.D. 2 (S.D. 2);
 H.B. No. 238, H.D. 1 (S.D. 2);
 H.B. No. 482, H.D. 1 (S.D. 1);
 H.B. No. 493, H.D. 1 (S.D. 2);
 H.B. No. 611, H.D. 1 (S.D. 1);
 H.B. No. 648, H.D. 1 (S.D. 1);
 H.B. No. 737, H.D. 2 (S.D. 1);
 H.B. No. 748, H.D. 2 (S.D. 1);
 H.B. No. 849, H.D. 2 (S.D. 2);
 H.B. No. 866, H.D. 2 (S.D. 2);
 H.B. No. 1024, H.D. 1 (S.D. 2);
 H.B. No. 1280, H.D. 2 (S.D. 1);
 H.B. No. 1288, H.D. 1 (S.D. 1);
 H.B. No. 1491, H.D. 1 (S.D. 1);
 H.B. No. 1503, H.D. 1 (S.D. 1);
 H.B. No. 1509, H.D. 1 (S.D. 2);
 H.B. No. 1514, H.D. 1 (S.D. 2);
 H.B. No. 1539, H.D. 1 (S.D. 2);
 H.B. No. 1551 (S.D. 2);
 H.B. No. 1553 (S.D. 2);
 H.B. No. 1564, H.D. 1 (S.D. 1);
 H.B. No. 1576, H.D. 1 (S.D. 2);
 H.B. No. 1588, H.D. 2 (S.D. 2);
 H.B. No. 1635 (S.D. 1);
 H.B. No. 1641 (S.D. 1);
 H.B. No. 1652, H.D. 1 (S.D. 2);
 H.B. No. 1654, H.D. 1 (S.D. 1);
 H.B. No. 1667, H.D. 3 (S.D. 2);
 H.B. No. 1669, H.D. 2 (S.D. 1);
 H.B. No. 1671, H.D. 1 (S.D. 1);
 H.B. No. 1675, H.D. 1 (S.D. 2);
 H.B. No. 1676, H.D. 1 (S.D. 1);
 H.B. No. 1692, H.D. 2 (S.D. 2);

H.B. No. 1702, H.D. 2 (S.D. 2);
 H.B. No. 1704, H.D. 1 (S.D. 1);
 H.B. No. 1706, H.D. 1 (S.D. 1);
 H.B. No. 1712 (S.D. 1);
 H.B. No. 1713 (S.D. 2);
 H.B. No. 1714, H.D. 1 (S.D. 2);
 H.B. No. 1715, H.D. 1 (S.D. 1);
 H.B. No. 1737, H.D. 1 (S.D. 1);
 H.B. No. 1740, H.D. 1 (S.D. 2);
 H.B. No. 1741 (S.D. 1);
 H.B. No. 1745, H.D. 2 (S.D. 2);
 H.B. No. 1752, H.D. 1 (S.D. 2);
 H.B. No. 1754, H.D. 2 (S.D. 2);
 H.B. No. 1756, H.D. 1 (S.D. 2);
 H.B. No. 1771, H.D. 2 (S.D. 1);
 H.B. No. 1772, H.D. 1 (S.D. 1);
 H.B. No. 1776, H.D. 2 (S.D. 1);
 H.B. No. 1777, H.D. 2 (S.D. 2);
 H.B. No. 1796, H.D. 2 (S.D. 1);
 H.B. No. 1811, H.D. 1 (S.D. 1);
 H.B. No. 1812, H.D. 1 (S.D. 1);
 H.B. No. 1814, H.D. 2 (S.D. 2);
 H.B. No. 1823, H.D. 1 (S.D. 1);
 H.B. No. 1848, H.D. 1 (S.D. 1);
 H.B. No. 1866, H.D. 2 (S.D. 2);
 H.B. No. 1868 (S.D. 1);
 H.B. No. 1885, H.D. 1 (S.D. 2);
 H.B. No. 1893, H.D. 1 (S.D. 2);
 H.B. No. 1900, H.D. 1 (S.D. 1);
 H.B. No. 1902, H.D. 2 (S.D. 2);
 H.B. No. 1926, H.D. 1 (S.D. 1);
 H.B. No. 1931, H.D. 1 (S.D. 2);
 H.B. No. 1932, H.D. 1 (S.D. 2);
 H.B. No. 1934, H.D. 1 (S.D. 2);
 H.B. No. 1942, H.D. 1 (S.D. 1);
 H.B. No. 1943, H.D. 2 (S.D. 2);
 H.B. No. 1950, H.D. 2 (S.D. 1);
 H.B. No. 1951, H.D. 1 (S.D. 2);
 H.B. No. 1958, H.D. 2 (S.D. 2);
 H.B. No. 1966, H.D. 1 (S.D. 2);
 H.B. No. 1971, H.D. 2 (S.D. 1);
 H.B. No. 1974, H.D. 2 (S.D. 1);
 H.B. No. 1977, H.D. 2 (S.D. 1);
 H.B. No. 1993 (S.D. 2);
 H.B. No. 1996, H.D. 1 (S.D. 1);
 H.B. No. 2000, H.D. 1 (S.D. 1);
 H.B. No. 2003, H.D. 1 (S.D. 1);
 H.B. No. 2007, H.D. 1 (S.D. 2);
 H.B. No. 2009 (S.D. 1);
 H.B. No. 2012, H.D. 2 (S.D. 2);
 H.B. No. 2031 (S.D. 1);
 H.B. No. 2034, H.D. 2 (S.D. 1);
 H.B. No. 2037, H.D. 1 (S.D. 1);
 H.B. No. 2038, H.D. 1 (S.D. 2);
 H.B. No. 2039, H.D. 1 (S.D. 2);
 H.B. No. 2051, H.D. 1 (S.D. 2);
 H.B. No. 2053, H.D. 1 (S.D. 1);
 H.B. No. 2059, H.D. 2 (S.D. 2);
 H.B. No. 2060, H.D. 2 (S.D. 2);
 H.B. No. 2072, H.D. 1 (S.D. 2);
 H.B. No. 2073, H.D. 1 (S.D. 1);
 H.B. No. 2074 (S.D. 1);
 H.B. No. 2094, H.D. 1 (S.D. 1);
 H.B. No. 2101, H.D. 1 (S.D. 2);
 H.B. No. 2109, H.D. 2 (S.D. 1);
 H.B. No. 2115, H.D. 1 (S.D. 2);
 H.B. No. 2116, H.D. 2 (S.D. 1);
 H.B. No. 2139, H.D. 1 (S.D. 1);

H.B. No. 2147, H.D. 1 (S.D. 2);
 H.B. No. 2150, H.D. 1 (S.D. 1);
 H.B. No. 2152, H.D. 1 (S.D. 2);
 H.B. No. 2163, H.D. 2 (S.D. 1);
 H.B. No. 2169, H.D. 1 (S.D. 1);
 H.B. No. 2170, H.D. 2 (S.D. 2);
 H.B. No. 2178, H.D. 2 (S.D. 1);
 H.B. No. 2179, H.D. 1 (S.D. 1);
 H.B. No. 2180, H.D. 1 (S.D. 1);
 H.B. No. 2188, H.D. 1 (S.D. 1);
 H.B. No. 2205, H.D. 1 (S.D. 1);
 H.B. No. 2213, H.D. 1 (S.D. 1);
 H.B. No. 2217, H.D. 2 (S.D. 1);
 H.B. No. 2224, H.D. 2 (S.D. 2);
 H.B. No. 2246, H.D. 1 (S.D. 1);
 H.B. No. 2251, H.D. 1 (S.D. 1);
 H.B. No. 2253, H.D. 1 (S.D. 2);
 H.B. No. 2257, H.D. 2 (S.D. 2);
 H.B. No. 2273 (S.D. 2);
 H.B. No. 2276, H.D. 1 (S.D. 2);
 H.B. No. 2277, H.D. 1 (S.D. 2);
 H.B. No. 2282, H.D. 1 (S.D. 2);
 H.B. No. 2286, H.D. 3 (S.D. 2);
 H.B. No. 2288, H.D. 1 (S.D. 1);
 H.B. No. 2292, H.D. 1 (S.D. 2);
 H.B. No. 2293, H.D. 2 (S.D. 2);
 H.B. No. 2294, H.D. 1 (S.D. 2);
 H.B. No. 2304, H.D. 2 (S.D. 2);
 H.B. No. 2312, H.D. 2 (S.D. 1);
 H.B. No. 2333, H.D. 2 (S.D. 1);
 H.B. No. 2338 (S.D. 2);
 H.B. No. 2347, H.D. 2 (S.D. 1);
 H.B. No. 2363, H.D. 2 (S.D. 2);
 H.B. No. 2365, H.D. 1 (S.D. 1);
 H.B. No. 2370, H.D. 1 (S.D. 1);
 H.B. No. 2371, H.D. 1 (S.D. 1);
 H.B. No. 2400 (S.D. 1);
 H.B. No. 2401, H.D. 2 (S.D. 2);
 H.B. No. 2413, H.D. 1 (S.D. 1);
 H.B. No. 2426, H.D. 1 (S.D. 2);
 H.B. No. 2427, H.D. 1 (S.D. 1);
 H.B. No. 2434, H.D. 2 (S.D. 2);
 H.B. No. 2448, H.D. 2 (S.D. 1);
 H.B. No. 2464, H.D. 1 (S.D. 1);
 H.B. No. 2468 (S.D. 2);
 H.B. No. 2478, H.D. 1 (S.D. 2);
 H.B. No. 2481, H.D. 1 (S.D. 2);
 H.B. No. 2490, H.D. 2 (S.D. 2);
 H.B. No. 2507, H.D. 1 (S.D. 1);
 H.B. No. 2509, H.D. 1 (S.D. 2);
 H.B. No. 2518, H.D. 1 (S.D. 1);
 H.B. No. 2521, H.D. 1 (S.D. 1);
 H.B. No. 2543 (S.D. 1);
 H.B. No. 2576, H.D. 1 (S.D. 2);
 H.B. No. 2581, H.D. 3 (S.D. 2);
 H.B. No. 2590, H.D. 1 (S.D. 2);
 H.B. No. 2597, H.D. 2 (S.D. 1);
 H.B. No. 2598, H.D. 1 (S.D. 2);
 H.B. No. 2611 (S.D. 2);
 H.B. No. 2618, H.D. 2 (S.D. 2);
 H.B. No. 2620, H.D. 1 (S.D. 2);
 H.B. No. 2626, H.D. 2 (S.D. 2);
 H.B. No. 2654, H.D. 1 (S.D. 2); and
 H.B. No. 2666, H.D. 1 (S.D. 2).

Hse. Com. No. 677, informing the Senate that on April 11, 2014, the Speaker appointed conferees on the part of the House for the consideration of amendments proposed by the Senate to the following House bill:

H.B. No. 1700, H.D. 1 (S.D. 1):

Representatives Luke, chair; Cullen, Hashem, Ing, Jordan, Kobayashi, Lowen, Morikawa, Nishimoto, Onishi, Takayama, Tokioka, Woodson, Yamashita, Fukumoto, Johanson, Ward.

ORDER OF THE DAY

FINAL READING

S.B. No. 2775, S.D. 1, H.D. 1:

On motion by Senator Nishihara, seconded by Senator Gabbard and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2775, S.D. 1, and S.B. No. 2775, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Shimabukuro, Taniguchi).

S.B. No. 2875, H.D. 1:

On motion by Senator Solomon, seconded by Senator Gabbard and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2875, and S.B. No. 2875, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENDANGERED SPECIES RECOVERY COMMITTEE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Shimabukuro, Taniguchi).

S.B. No. 2882, S.D. 2, H.D. 2:

On motion by Senator Espero, seconded by Senator Hee and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2882, S.D. 2, and S.B. No. 2882, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Shimabukuro, Taniguchi).

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 2175, S.D. 2 (H.D. 2):

Senator Nishihara moved that the Senate reconsider its action taken on April 10, 2014, in disagreeing to the amendments proposed by the House to S.B. No. 2175, S.D. 2, seconded by Senator Espero and carried.

Senator Nishihara then moved that the Senate agree to the amendments proposed by the House to S.B. No. 2175, S.D. 2, seconded by Senator Espero.

Senator Nishihara noted:

"Thank you. Anyway, the House made amendments which strengthened the bill's intent and an effective date was established which the committees can agree upon."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2175, S.D. 2, and S.B. No. 2175, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL HEMP," was placed on the calendar for Final Reading on Monday, April 14, 2014.

S.B. No. 2249, S.D. 1 (H.D. 1):

Senator Hee moved that the Senate reconsider its action taken on April 10, 2014, in disagreeing to the amendments

proposed by the House to S.B. No. 2249, S.D. 1, seconded by Senator Galuteria and carried.

Senator Hee then moved that the Senate agree to the amendments proposed by the House to S.B. No. 2249, S.D. 1, seconded by Senator Galuteria.

Senator Hee noted:

“The House made the date good.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2249, S.D. 1, and S.B. No. 2249, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS,” was placed on the calendar for Final Reading on Monday, April 14, 2014.

S.B. No. 2467 (H.D. 1):

Senator Baker moved that the Senate reconsider its action taken on April 10, 2014, in disagreeing to the amendments proposed by the House to S.B. No. 2467, seconded by Senator Espero and carried.

At 11:44 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:46 a.m.

Senator Baker then moved that the Senate agree to the amendments proposed by the House to S.B. No. 2467, seconded by Senator Espero.

Senator Baker noted:

“Yes, Madam President. All the House did was to give us clean effective dates and on one, made some technical, nonsubstantive amendments. Thank you.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2467, and S.B. No. 2467, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PODIATRISTS,” was placed on the calendar for Final Reading on Monday, April 14, 2014.

S.B. No. 2481, S.D. 1 (H.D. 1):

Senator Baker moved that the Senate reconsider its action taken on April 10, 2014, in disagreeing to the amendments proposed by the House to S.B. No. 2481, S.D. 1, seconded by Senator Espero and carried.

Senator Baker then moved that the Senate agree to the amendments proposed by the House to S.B. No. 2481, S.D. 1, seconded by Senator Espero.

Senator Baker noted:

“Yes, Madam President. All the House did was to give us clean effective dates and on one, made some technical, nonsubstantive amendments. Thank you.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2481, S.D. 1, and S.B. No. 2481, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TIME SHARES,” was placed on the calendar for Final Reading on Monday, April 14, 2014.

S.B. No. 2658, S.D. 3 (H.D. 2):

Senator Gabbard moved that the Senate reconsider its action taken on April 10, 2014, in disagreeing to the amendments proposed by the House to S.B. No. 2658, S.D. 3, seconded by Senator Nishihara and carried.

Senator Gabbard then moved that the Senate agree to the amendments proposed by the House to S.B. No. 2658, S.D. 3, seconded by Senator Nishihara.

Senator Gabbard noted:

“Colleagues, the House version requires a solar developer on class B or C ag land to obtain a special use permit from the LUC for projects larger than 10 percent of the parcel size of up to 20 acres. So, the chairs are in accord with the House amendments and ask for your vote to agree to S.B. 2658, S.D. 3, H.D. 2. Mahalo.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2658, S.D. 3, and S.B. No. 2658, S.D. 3, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SOLAR ENERGY,” was placed on the calendar for Final Reading on Monday, April 14, 2014.

S.B. No. 2726, S.D. 2 (H.D. 1):

Senator English moved that the Senate reconsider its action taken on April 10, 2014, in disagreeing to the amendments proposed by the House to S.B. No. 2726, S.D. 2, seconded by Senator Dela Cruz and carried.

Senator English then moved that the Senate agree to the amendments proposed by the House to S.B. No. 2726, S.D. 2, seconded by Senator Dela Cruz.

Senator English noted:

“Yes, Madam President. On the first bill, S.B. No. 2726, this is the all-terrain vehicle bill. This allows the city, county, or state workers to also use all-terrain vehicles on public roads, and so we agreed to that.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2726, S.D. 2, and S.B. No. 2726, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” was placed on the calendar for Final Reading on Monday, April 14, 2014.

S.B. No. 2898, S.D. 2 (H.D. 1):

Senator English moved that the Senate reconsider its action taken on April 10, 2014, in disagreeing to the amendments proposed by the House to S.B. No. 2898, S.D. 2, seconded by Senator Dela Cruz and carried.

Senator English then moved that the Senate agree to the amendments proposed by the House to S.B. No. 2898, S.D. 2, seconded by Senator Dela Cruz.

Senator English noted:

“The second one, S.B. No. 2898: you know, I guess this is a perpetual problem we have. Our drafting agencies debate on whether or not to use different types of language. In this case, the enumeration of ‘10,000’ spelled out in numerical form: 10,000. The House changed it to ‘ten thousand’ spelled out. It’s almost irrelevant, except our drafting agencies go back and forth on this. In the end, the revisor will put in the correct form, but I really wish that our drafting agencies would get together, agree on the correct form, and not force us to do these types of things. So, with that, that’s the amendment and I don’t care which way they enumerate it. So, that’s why we agreed.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2898, S.D. 2, and S.B. No. 2898, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER’S LICENSING,” was placed on the calendar for Final Reading on Monday, April 14, 2014.

At this time, Senator Galuteria rose to inform the members that the following Wednesday, April 16, 2014, would be Kūpuna Power Day, with events in the rotunda to empower seniors with education, information, exercise, and entertainment.

Senator Galuteria also wished Senator Slom a happy birthday on behalf of the members of the Senate.

Senator Gabbard rose to remind the members of the upcoming Capitol Idol talent competition to benefit the Hawaii Foodbank, and urged the members' support of the event.

ADJOURNMENT

At 11:52 a.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Monday, April 14, 2014.