

FIFTY-SIXTH DAY

Wednesday, April 23, 2014

The Senate of the Twenty-Seventh Legislature of the State of Hawai'i, Regular Session of 2014, convened at 11:35 a.m. with the President in the Chair.

The Roll was called showing all Senators present.

The President announced that she had read and approved the Journal of the Fifty-Fifth Day.

At this time, Senator Keith-Agaran introduced his legislative intern from Maui High School, Brian Zamora.

MESSAGE FROM THE GOVERNOR

The following message from the Governor (Gov. Msg. No. 253) was read by the Clerk and was placed on file:

Gov. Msg. No. 253, letter dated April 17, 2014, transmitting a proposed conference draft (C.D. 1) amending S.B. No. 2073, S.D. 1, H.D. 1, to fund the arbitration award and Employer-Union Trust Fund (EUTF) employer contributions agreement concerning Collective Bargaining Unit 6.

HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 712) was read by the Clerk and was placed on file:

Hse. Com. No. 712, informing the Senate that on April 22, 2014, the House discharged all conferees for H.B. No. 2482, H.D. 1 (S.D. 1).

CONFERENCE COMMITTEE REPORTS

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. 2657, S.D. 2, presented a report (Conf. Com. Rep. No. 2-14) recommending that S.B. No. 2657, 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. 2-14 and S.B. No. 2657, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," 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. 2134, S.D. 1, presented a report (Conf. Com. Rep. No. 3-14) recommending that S.B. No. 2134, 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. 3-14 and S.B. No. 2134, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," 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. 2768, S.D. 2, presented a report (Conf. Com. Rep. No. 4-14) recommending that S.B. No. 2768, 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. 4-14 and S.B. No. 2768, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KINDERGARTEN," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Dela Cruz, for the Committee on Economic Development, Government Operations and Housing, presented a report (Stand. Com. Rep. No. 3505) recommending that the Senate advise and consent to the nomination of PAUL KYNO to the Board of Directors of the Hawaii Housing Finance and Development Corporation, in accordance with Gov. Msg. No. 693.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3505 and Gov. Msg. No. 693 was deferred until Thursday, April 24, 2014.

Senator Dela Cruz, for the Committee on Economic Development, Government Operations and Housing, presented a report (Stand. Com. Rep. No. 3506) recommending that the Senate advise and consent to the nomination of MICHAEL IOSUA to the Stadium Authority, in accordance with Gov. Msg. No. 691.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3506 and Gov. Msg. No. 691 was deferred until Thursday, April 24, 2014.

Senator Dela Cruz, for the Committee on Economic Development, Government Operations and Housing, presented a report (Stand. Com. Rep. No. 3507) recommending that the Senate advise and consent to the nomination of ROSS YAMASAKI to the Stadium Authority, in accordance with Gov. Msg. No. 597.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3507 and Gov. Msg. No. 597 was deferred until Thursday, April 24, 2014.

Senator Dela Cruz, for the Committee on Economic Development, Government Operations and Housing, presented a report (Stand. Com. Rep. No. 3508) recommending that the Senate advise and consent to the nominations to the Enhanced 911 Board of the following:

ROY IREI, in accordance with Gov. Msg. No. 594;

STEVEN SCHUTTE, in accordance with Gov. Msg. No. 595; and

JEFF RIEWER, in accordance with Gov. Msg. No. 596.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3508 and Gov. Msg. Nos. 594, 595, and 596 was deferred until Thursday, April 24, 2014.

Senator Dela Cruz, for the Committee on Economic Development, Government Operations and Housing, presented a report (Stand. Com. Rep. No. 3509) recommending that the Senate advise and consent to the nomination of SARAH-JANE ALLEN as the Administrator of the State Procurement Office, in accordance with Gov. Msg. No. 584.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3509 and Gov. Msg. No. 584 was deferred until Thursday, April 24, 2014.

Senator Dela Cruz, for the Committee on Economic Development, Government Operations and Housing, presented a report (Stand. Com. Rep. No. 3510) recommending that the Senate advise and consent to the nomination of LEIGH-ANN MIYASATO to the Board of Directors of the High Technology Development Corporation, in accordance with Gov. Msg. No. 557.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3510 and Gov. Msg. No. 557 was deferred until Thursday, April 24, 2014.

Senator Dela Cruz, for the Committee on Economic Development, Government Operations and Housing, presented a report (Stand. Com. Rep. No. 3511) recommending that the Senate advise and consent to the nomination of HARRIS NAKAMOTO to the Small Business Regulatory Review Board, in accordance with Gov. Msg. No. 503.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3511 and Gov. Msg. No. 503 was deferred until Thursday, April 24, 2014.

Senator Dela Cruz, for majority of the Committee on Economic Development, Government Operations and Housing, presented a report (Stand. Com. Rep. No. 3512) recommending that the Senate advise and consent to the nomination of BRIAN TAMAMOTO to the Hawaii Community Development Authority (Kakaako District), in accordance with Gov. Msg. No. 502.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3512 and Gov. Msg. No. 502 was deferred until Thursday, April 24, 2014.

Senator Dela Cruz, for the Committee on Economic Development, Government Operations and Housing, presented a report (Stand. Com. Rep. No. 3513) recommending that the Senate advise and consent to the nomination of BARBARA BENNETT to the Small Business Regulatory Board, in accordance with Gov. Msg. No. 623.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3513 and Gov. Msg. No. 623 was deferred until Thursday, April 24, 2014.

ORDER OF THE DAY

AGREE/DISAGREE

MATTERS DEFERRED FROM TUESDAY, APRIL 22, 2014

S.C.R. No. 47, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 47, S.D. 1 (H.D. 1), entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING JANUARY 17 OF EVERY YEAR AS HO'OKU'IKAAHI DAY, OR RECONCILIATION DAY, IN HONOR AND REMEMBRANCE OF THE JUSTICE, RECONCILIATION, AND NONVIOLENCE OF QUEEN LILI'UOKALANI," was deferred until Thursday, April 24, 2014.

S.C.R. No. 51, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 51, S.D. 1 (H.D. 1), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ADMINISTRATION OF THE YOUTH RISK BEHAVIOR SURVEY TO STUDENTS IN GRADES SIX TO TWELVE IN SELECT SCHOOLS," was deferred until Thursday, April 24, 2014.

S.C.R. No. 57 (H.D. 1):

Senator Wakai moved that the Senate agree to the amendments proposed by the Senate to S.C.R. No. 57, seconded by Senator Espero.

Senator Wakai noted:

"Madam President, in the Senate version of this bill, we have no timetable for convening this group; in the House version, they say 'when feasible.' That's the only change that we are agreeing to this morning."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 57, and S.C.R. No. 57, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING A BID TO THE COUNCIL OF PACIFIC ARTS AND CULTURE FOR HAWAII TO HOST THE 2020 FESTIVAL OF PACIFIC ARTS," was placed on the calendar for Final Adoption on Thursday, April 24, 2014.

S.C.R. No. 73 (H.D. 1):

Senator Gabbard moved that the Senate agree to the amendments proposed by the Senate to S.C.R. No. 73, seconded by Senator Espero.

Senator Gabbard noted:

"Colleagues, the reso would ask the Department of Health to convene a task force to study the effects of the January 2014 fuel tank leak at Red Hill. We're in accord with the House amendments to add one legislator selected by both the House Speaker and Senate President, to ask the task force to consider the implications of shutting down the Red Hill Underground Fuel Storage Facility, and to urge the Navy to work with the DOH and the Board of Water Supply to remediate contamination beneath the facility. Mahalo."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 73, and S.C.R. No. 73, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO CONVENE A TASK FORCE TO STUDY THE EFFECTS OF THE JANUARY 2014 FUEL TANK LEAK AT THE RED HILL UNDERGROUND FUEL STORAGE FACILITY," was placed on the calendar for Final Adoption on Thursday, April 24, 2014.

S.C.R. No. 74, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 74, S.D. 1 (H.D. 1), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN EXAMINATION AND AUDIT OF THE ADVANCE DISPOSAL FEE PROGRAM," was deferred until Thursday, April 24, 2014.

S.C.R. No. 97, S.D. 1 (H.D. 1):

Senator Green moved that the Senate agree to the amendments proposed by the Senate to S.C.R. No. 97, S.D. 1, seconded by Senator Espero.

Senator Green noted:

"Thank you, Madam President. This was a simple reso creating a work group on cottage industry food and we agreed with their position; it was very similar to ours."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 97, S.D. 1, and S.C.R. No. 97, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A COTTAGE FOOD BUSINESS WORKING GROUP COMPRISING REPRESENTATIVES FROM THE DEPARTMENT OF HEALTH AND THE COTTAGE FOOD INDUSTRY," was placed on the calendar for Final Adoption on Thursday, April 24, 2014.

ADVISE AND CONSENT

Stand. Com. Rep. No. 3496 (Gov. Msg. Nos. 706 and 707):

Senator Tokuda moved that Stand. Com. Rep. No. 3496 be received and placed on file, seconded by Senator Kidani and carried.

Senator Tokuda then moved that the Senate advise and consent to the nominations to the Board of Education of the following:

DONALD HORNER, term to expire June 30, 2017 (Gov. Msg. No. 706); and

JAMES WILLIAMS, term to expire June 30, 2017 (Gov. Msg. No. 707),

seconded by Senator Kidani.

Senator Tokuda rose to speak in support of the nominees as follows:

“Thank you, Madam President. I rise to speak in favor of Gov. Msg. Nos. 706 and 707, both reappointments to the Board of Education. Thank you. While I could talk at length about the contributions and confirmation process for both, I would like to have the Clerk insert written comments in the Journal in support of Mr. Williams and instead focus my comments on the floor on Chair Horner’s tenure and hopes for continued service.

“At the confirmation hearing, your committee received testimony in support of the nominee from a range of organizations and individuals including the Hui for Excellence in Education, the Hawaii Association of Independent Schools, the Friends of the Library of Hawai‘i, the Filipino American Citizens League, the Hawai‘i Public Charter Schools Network, the Hawaii Business Roundtable, and the Friends of Civil Rights. Following the hearing, we also received a letter from Equality Hawai‘i informing the committee that they had met with Chair Horner for an hour and a half to discuss the various issues and concerns that had been brought forward during the confirmation process, summing up their meeting in a single thought: ‘We learned that more brings us together than separates us. We are pleased to find that common ground and accept his invitation to be involved in multiple issues where our perspectives would be valuable and our mutual interests significant.’

“There was, however, also a significant amount of testimony and opposition to Chair Horner’s reappointment from groups and individuals including the Americans for Democratic Action Hawai‘i; the Gay, Lesbian, and Transgender Caucus of the Democratic Party of Hawaii; Girl Fest Hawaii; and Rainbow Family 808. Much of the opposition centered around Chair Horner’s personal affiliation with New Hope Diamond Head as a pastor, as well as concerns regarding public accessibility to Board of Education members and the board meetings.

“Your committee engaged Chair Horner in a full discussion on the issues and concerns raised, from conflicts of interest in regards to use of facilities to the recent handling of curriculum concerns to the management of meetings. Upon completion, indications were clear to the committee that steps were continuously being taken to improve the transparency and accessibility of the Board of Education; and Chair Horner reiterated that while he has never attempted to hide his religious affiliation, he made it clear to members that he has never imposed it upon our school system through his position on the board or through board policy.

“Colleagues, through the confirmation process and subsequent hearings, I have had the opportunity to reflect on where we’ve come since passing the original enabling appointed Board of Education legislation back in 2011, and confirming Chair Horner during that same session. Despite operating with one-third the staff and less than a third of the total budget as compared to 2010 totals – when the Board of Education was elected, which included \$110,000 for board member compensation, as individuals were paid \$100 a day for attending meetings and appointed members are no longer compensated for attendance – the Board of Education has made

great strides during Chair Horner’s tenure. They have adopted more rigorous diploma requirements through Board of Education Policy No. 4540 that are aligned with the state’s college and career readiness goals; successfully implemented Act 130, which completely recodified the state’s charter school law; created the first ever joint Board of Education and DOE strategic plan to align its goals and overall vision and direction; and approved a phase-in schedule to ensure that all DOE schools are accredited by 2019.

“Through his leadership, the Board of Education increased public accessibility to the board by holding over 400 stakeholder meetings statewide; holding over 169 committee and board meetings since 2011; instituting chair office hours, which take place twice a month, usually between 4:30 and 5:30 p.m. following board meetings; and creating an independent hotline with an audit trail to provide opportunities for individuals to express their concerns anonymously.

“Working with fellow board members, Chair Horner has made it a priority to increase access to state public libraries by expanding hours of operation to include weekend hours; improved the Board of Education’s student representation selection process to increase the student voice by supporting participation by students in all 44 high schools; worked with various stakeholder groups through a series of 40 meetings to approve the revision of Hawaiian education program policies to ensure that the related constitutional and statutory mandates are appropriately effected; and created an audit committee to proactively investigate and address issues within the department, already resulting in various school- and system-level results including efforts to overhaul the school food service system and processing of background checks.

“In talking with Chair Horner, he is the first to say he is not an expert, but through the conversation, it becomes evidently clear that he has done his homework and is willing to listen to all sides to formulate solutions that are both short- and long-term. In meeting with your committee, he was both gracious and humble, and he made clear that more could be done to support our schools and improve the workings of our board, which he laid out to us in his plans and his thoughts, which is why he has sought a second term as chair.

“Knowing that you have been receiving emails advocating for both the support and opposition for his nomination, I struggled for a way to close my comments today that would do our deliberations justice. As often I do during times like this, I look to the great orators and thinkers of our times and happened upon this quote that I think is appropriate for the vote that is before us. In 1908, President Theodore Roosevelt wrote:

To discriminate against a thoroughly upright citizen because he belongs to some particular church, or because, like Abraham Lincoln, he has not avowed his allegiance to any church, is an outrage against that liberty of conscience which is one of the foundations of American life. You are entitled to know whether a man seeking your suffrages is a man of clean and upright life, honorable in all of his dealings with his fellows, and fit by qualification and purpose to do well in the great office for which he is a candidate; but you are not entitled to know matters which lie purely between himself and his maker.

“Colleagues, I humbly ask you to join me in supporting Chair Horner for his reappointment to the Board of Education. Thank you.”

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

“Mr. Williams is seeking a second term on the Board of Education and wishes to continue the significant progress the appointed Board has made in the first three years, including implementing the joint Board of Education and Department of Education strategic plan; and monitoring achievement objectives set forth in that plan.

“Mr. Williams was first appointed in 2011 and has served on the Board of Education’s Finance and Infrastructure Committee, Student Achievement Committee, Audit Committee, and Human Resources Committee. As the Chair of the Human Resources Committee, Mr. Williams has provided leadership in developing a strategic plan for staff success; drafted Board policies on performance, evaluation, and pay; adopted and implemented a comprehensive evaluation process for the Superintendent of Education and the State Librarian; and helped to shepherd the implementation of the new charter school law, Act 130, including the startup of the new Charter School Commission. Mr. Williams extensive charter school experience has been particularly valuable in the implementation of Act 130, and will be critical as both the commission and the Board move forward.

“Mr. Williams brings a unique and varied background in education, administration, and business to the Board of Education, and he continues to contribute his high level of knowledge and professionalism to the Board of Education. Mr. Williams spent 11 years as a Social Studies teacher at Kaunakakai School and Moloka’i High and Intermediate School. He is one of the founders of Voyager Charter School, and currently serves as the Vice Chair of the Voyager Charter School Governing Board and Chair of the Board of the Voyager School Foundation.

“Mr. Williams has had various experiences dealing with all aspects of school administration, including facilities and financial needs. His background of teaching and knowledge of numerous administrative duties make him an excellent choice for the Board of Education. Our students and their families, teachers and community will benefit from Mr. Williams remaining as a Board member, bringing his wealth of experience and knowledge to the group.”

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. 3497 (Gov. Msg. Nos. 504 and 505):

Senator Solomon moved that Stand. Com. Rep. No. 3497 be received and placed on file, seconded by Senator Galuteria and carried.

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

AARON MAHI, term to expire June 30, 2014 (Gov. Msg. No. 504); and

AARON MAHI, term to expire June 30, 2018 (Gov. Msg. No. 505),

seconded by Senator Galuteria.

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. 3498 (Gov. Msg. No. 702):

Senator Solomon moved that Stand. Com. Rep. No. 3498 be received and placed on file, seconded by Senator Galuteria and carried.

Senator Solomon then moved that the Senate advise and consent to the nomination of EDMUND ACZON to the Land Use Commission, term to expire June 30, 2018, seconded by Senator Galuteria.

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

“Thank you very much, Madam President. I have some remarks that I would like to submit for the Journal in support, in very strong support of G.M. No. 702, which is the nominee Edmund Aczon for the confirmation to the Land Use Commission, and also very strong support of G.M. No. 705, Mr. Thomas Oi, for the Board of Land and Natural Resources. Thank you.”

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

“Edmund Aczon was educated in the Philippines, where he received instruction and training in construction-related fields.

“He is currently the Community Relations Director and Manpower Specialist at the Hawaii Regional Council of Carpenters, a position he has held since 2004.

“From 2003 to 2013, Mr. Aczon worked as a Field Representative for United States Senator Daniel K. Inouye.

“Mr. Aczon was also the President/Secretary/Treasurer of Aczon Construction, Ltd., and the owner of Aczon Construction, a masonry contractor.

“He is a member of and has served in various officer capacities with the Building Industry Association of Hawaii, National Association of Homebuilders, Build-PAC Hawaii, Hawaii Construction Industry Association, Hawaii Strategic Development Corporation of Hawaii, Oahu Workforce Investment Board, and other associations.

“Mr. Aczon is the recipient of numerous awards from local and national business and construction entities.

“I believe that Mr. Aczon’s wealth of experience in the construction industry will enable him to deliberate and contribute to discussions regarding the complex land use issues before the Land Use Commission.”

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. 3499 (Gov. Msg. Nos. 647 and 648):

Senator Solomon moved that Stand. Com. Rep. No. 3499 be received and placed on file, seconded by Senator Galuteria and carried.

Senator Solomon then moved that the Senate advise and consent to the nominations to the Kokee State Park Advisory Council of the following:

DAVID ALEXANDER, term to expire June 30, 2014 (Gov. Msg. No. 647); and

DAVID ALEXANDER, term to expire June 30, 2018 (term amended to June 30, 2017 by Gov. Msg. No. 688) (Gov. Msg. No. 648),

seconded by Senator Galuteria.

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. 3500 (Gov. Msg. No. 705):

Senator Solomon moved that Stand. Com. Rep. No. 3500 be received and placed on file, seconded by Senator Galuteria and carried.

Senator Solomon then moved that the Senate advise and consent to the nomination of THOMAS OI to the Board of Land and Natural Resources, term to expire June 30, 2016, seconded by Senator Galuteria.

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

“Thank you very much, Madam President. I have some remarks that I would like to submit for the Journal in support, in very strong support of G.M. No. 702, which is the nominee Edmund Aczon for the confirmation to the Land Use Commission, and also very strong support of G.M. No. 705, Mr. Thomas Oi, for the Board of Land and Natural Resources. Thank you.”

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

“Thomas Oi has held a State of Hawaii Professional Land Surveyor’s Certificate since 1996 as well as a State Land Court License Certificate since 1997.

“Mr. Oi is the owner of Tommy Oi Land Surveyor LLC, in Lihue, Kauai.

“He also worked as a surveyor with the firm of Kutake, Portugal & Ibara, Inc., on the island of Kauai. His duties there included topography, boundary, and construction surveying.

“Mr. Oi served as the Kauai District Land Agent for the Department of Land and Natural Resources’ Land Division for over eight years, and he worked previously as a Land Boundary Surveyor for the Department of Accounting and General Services and as a licensed Land Surveyor in the Highways Design Cadastral Engineering Section of the Department of Transportation.

“He is familiar with rules, regulations, and statutes concerning Land Court System surveys.

“Thomas Oi possesses a wealth of knowledge about the land and natural resources on Kauai, having worked in land surveying on Kauai for many years.”

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

“Madam President, I rise to speak in support, specifically relating to Gov. Msg. No. 705, to fill a vacant position on the State of Hawai‘i’s Board of Land and Natural Resources. It’s been most of two years that there has not been a full-time member on the land board representing the island of Kaua‘i. I appreciate that the director has made extra efforts to personally come to Kaua‘i to address issues that have come up under his jurisdiction, but it’s going to be a tremendous help to have someone like nominee Tommy Oi, who has extensive knowledge in this area, and someone on the island that the Kaua‘i residents can turn to for their concerns regarding the Department of Land and Natural Resources. I’ve known him for over 25 years and I believe he will make a great commissioner. Thank you.”

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. 3501 (Gov. Msg. No. 703):

Senator Solomon moved that Stand. Com. Rep. No. 3501 be received and placed on file, seconded by Senator Galuteria and carried.

Senator Solomon then moved that the Senate advise and consent to the nomination of MICHAEL BUCK to the Commission on Water Resource Management, term to expire June 30, 2018, seconded by Senator Galuteria.

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. 3502 (Gov. Msg. No. 554):

Senator Solomon moved that Stand. Com. Rep. No. 3502 be received and placed on file, seconded by Senator Galuteria and carried.

Senator Solomon then moved that the Senate advise and consent to the nomination of MAURICE RADKE to the Kaneohe Bay Regional Council, term to expire June 30, 2017, seconded by Senator Galuteria.

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

Ayes, 25. Noes, none.

At this time, Senator Tokuda introduced Don Horner and Board of Education Executive Director Liann Ebesugawa.

Senator Solomon introduced Thomas Oi and his son, Brycen; Lisa Hadaway of the Department of Land and Natural Resources; and Edmund Aczon.

The Chair thanked the newly confirmed boards and commissions members for their willingness to serve.

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM TUESDAY, APRIL 22, 2014

Stand. Com. Rep. No. 3491 (H.C.R. No. 176):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 176, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE PROCUREMENT OFFICE TO CONDUCT A STUDY ON THE FEASIBILITY, NECESSARY PROCESSES, AND COSTS RELATIVE TO REQUIRING THE CONSIDERATION OF PAST PERFORMANCE AS A FACTOR IN AWARDING PUBLIC CONTRACTS, INCLUDING LOW BID CONTRACTS,” was adopted.

Stand. Com. Rep. No. 3492 (H.C.R. No. 121):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 121, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY ON THE ATTACHMENT OF THE OFFICE OF INFORMATION PRACTICES ON A PERMANENT BASIS TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES,” was adopted.

Stand. Com. Rep. No. 3493 (H.C.R. No. 100):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 100, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING

HEALTH INSURERS TO PROVIDE COVERAGE FOR MEDICALLY NECESSARY TREATMENT OF OROFACIAL ANOMALIES," was adopted.

Stand. Com. Rep. No. 3494 (H.C.R. No. 66):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 66, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF VETERINARY TECHNICIANS AND THE PRACTICE OF VETERINARY TECHNOLOGY," was adopted.

Stand. Com. Rep. No. 3495 (H.C.R. No. 74):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 74, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SUNRISE REVIEW OF THE ESTABLISHMENT OF A SYSTEM OF REGISTERED DISPENSARIES WITHIN THE DEPARTMENT OF HEALTH TO DISPENSE MEDICAL MARIJUANA," was adopted.

Stand. Com. Rep. No. 3504 (H.C.R. No. 140):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 140, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HUMAN SERVICES TO REBASE THE BASIC PROSPECTIVE PAYMENT SYSTEM RATES FOR INTERMEDIATE CARE FACILITIES FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES THAT SERVE MEDICAID RECIPIENTS TO BE EFFECTIVE JULY 1, 2015, AND THE DIRECTOR OF HEALTH TO INCLUDE SUFFICIENT FUNDING TO COVER ANY INCREASE IN BASIC PAYMENT SYSTEM RATES RESULTING FROM REBASING IN ITS 2015-2017 BIENNIUM BUDGET," was adopted.

FINAL READING

S.B. No. 2094, S.D. 1, H.D. 1:

On motion by Senator Hee, seconded by Senator Espero and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2094, S.D. 1, and S.B. No. 2094, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPUTER DAMAGE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

WAIVER OF REFERRAL

Senator Ige, Chair of the Committee on Ways and Means, requested that the waiver of S.R. No. 80, S.D. 1 to the Committee on Ways and Means be waived.

Senator Ige noted:

"Madam President, we are waiving jurisdiction. There was a budget request item that we agreed in conference to fund support for this conference, so the resolution is consistent with the action taken by the Legislature."

The Chair granted the waiver.

By unanimous consent, S.R. No. 80, S.D. 1, entitled: "SENATE RESOLUTION EXPRESSING SUPPORT FOR HAWAII TO HOST THE 2016 WORLD CONSERVATION CONGRESS OF THE INTERNATIONAL UNION FOR CONSERVATION OF NATURE," was placed on the calendar for Adoption on Thursday, April 24, 2014.

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 2869, S.D. 2 (H.D. 1):

Senator Green 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. 2869, S.D. 2, seconded by Senator Espero and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2869, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 3 (Green, Hee, Slom). Noes, none. Excused, none.

Senator Green then moved that the Senate agree to the amendments proposed by the House to S.B. No. 2869, S.D. 2, seconded by Senator Espero.

Senator Green noted:

"Thank you, Madam President; I really appreciate it. Basically, all of our concerns were met about privacy and mental health records. A lot of work has been done to get people better care. Some records had to be shared but they had to be protected completely because these are some of the hardest and most challenging health problems to address. But our concerns were met, so 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. 2869, S.D. 2, and S.B. No. 2869, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVACY OF HEALTH CARE INFORMATION," was placed on the calendar for Final Reading on Thursday, April 24, 2014.

At this time, the Chair made the following announcement:

"Conferees are named in accordance with the action sheets that may be updated later today."

APPOINTMENT OF CONFEREES

S.B. No. 3122, S.D. 2 (H.D. 2):

The President appointed Senator Ige as co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 3122, S.D. 2.

ADJOURNMENT

At 11:53 a.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 6:30 p.m., Thursday, April 24, 2014.