

FIFTY-NINTH DAY

Tuesday, April 29, 2014

The Senate of the Twenty-Seventh Legislature of the State of Hawai'i, Regular Session of 2014, convened at 10:35 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-Eighth Day.

CONFERENCE COMMITTEE REPORTS

At this time, the Chair made the following announcement:

"Members, the 2014 Joint House-Senate Committees on Conference Procedures provided that all conference negotiations were to conclude by 6:00 p.m. on Friday, April 25, 2014. Yesterday, the Speaker and I agreed to additional conference procedures that granted conference committees to re-enter negotiations on specific measures.

"The conference committee reports and accompanying drafts for 48-hour notice are the products of those authorized negotiations."

The 2014 Committees on Conference Procedures – Extended are identified as "**ATTACHMENT A**" to the Journal of this day.

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. 1745, H.D. 2, presented a report (Conf. Com. Rep. No. 150-14) recommending that H.B. No. 1745, 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. 150-14 and H.B. No. 1745, H.D. 2, S.D. 2, 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 House to the amendments proposed by the Senate to H.B. No. 1796, H.D. 2, presented a report (Conf. Com. Rep. No. 151-14) recommending that H.B. No. 1796, 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. 151-14 and H.B. No. 1796, H.D. 2, S.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 House to the amendments proposed by the Senate to H.B. No. 2257, H.D. 2, presented a report (Conf. Com. Rep. No. 152-14) recommending that H.B. No. 2257, 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. 152-14 and H.B. No. 2257, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF EDUCATION SUPERINTENDENT'S SALARY," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senators Dela Cruz, Wakai, and Nishihara, for the Committee on Economic Development, Government Operations and Housing and the Committee on Technology and the Arts and the Committee on Agriculture, presented a joint report

(Stand. Com. Rep. No. 3518) recommending that H.C.R. No. 92, H.D. 1 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3518 and H.C.R. No. 92, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING MARCH AS LOCALICIOUS HAWAII MONTH," was deferred until Thursday, May 1, 2014.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 3519) recommending that the Senate consent to the nomination of HENRY T. NAKAMOTO to the District Family Court of the Third Circuit, State of Hawaii, in accordance with Jud. Com. No. 3.

In accordance with Senate Rule 37(6), action on Stand. Com. No. 3519 and Jud. Com. No. 3 was deferred until Thursday, May 1, 2014.

ORDER OF THE DAY

FINAL READING

Conf. Com. Rep. No. 148-14 (H.B. No. 1700, H.D. 1, S.D. 1, C.D. 1):

Senator Ige moved that Conf. Com. Rep. No. 148-14 be adopted and H.B. No. 1700, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland.

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

"Madam President, I rise to speak in support of H.B. No. 1700, H.D. 1, S.D. 1, C.D. 1, the Supplemental Appropriations Bill for fiscal year 2015.

"Before proceeding, I would like to thank all of you for your insights, assistance, and support in formulating this conference draft, especially those of you who share our conference room on the Ways and Means Committee; I do appreciate all of your input. I would also like to acknowledge the support; although the staff did not want to be here formally, I know that they're listening in the offices. As you all know, staff are so important to all of the work that we do. I did want to acknowledge Calvin Azama, Rod Becker, and Susan Hirai and the rest of the Ways and Means staff for all of their work on the budget as well as the many bills that the Ways and Means Committee manages and tries to fund during the session.

"I would also like to express my appreciation for House Finance Chair Sylvia Luke. In these last two years, we have shared a good rapport in working through the many critical fiscal issues that are before the state. It is through this joint effort of the Senate and the House that this budget was developed, and it is a product in which we may all take pride.

"This conference draft reflects our prudence, sense of responsibility, good judgment, and willingness to make difficult decisions among many competing demands. The administration had requested an additional \$200 million in general funds for fiscal year 2015. Instead, the conference draft approves \$65.7 million in general funds for fiscal year 2015. The conference draft also further reduces appropriations for the current fiscal year from the administration's request of a reduction of \$53.4 million in general funds to a total reduction of more than \$92 million in general funds. Over the current fiscal biennium, this amounts to a total general fund reduction to the administration's request of \$173 million. With these reductions of the conference draft, the executive budget for the fiscal biennium now amounts to \$11.7 billion in all funds, inclusive of \$5.9 billion in general funds for fiscal year 2014;

and \$12.1 billion in all funds, which includes \$6.2 billion in general funds for fiscal year 2015. In the interest of full disclosure, please make note that a portion of the \$134 million in general fund reduction in fiscal year 2015 is taken from programs that are funded through separate bills.

“The Senate and House have passed a joint majority package: bills appropriating funds for the Hawaii Invasive Species Council, Kupuna Care, and other important senior measures. We note that the reductions have been made from the supplemental request. Despite the cutbacks of the administration’s supplemental budget request, this conference draft funds the higher priorities of both the Legislature and the executive.

“I just wanted to make a few comments about the preparation of the budget. Preparation for this budget really began long before the convening of the Session of 2014. In monitoring monthly annual tax collections, the possibility of a potential shortfall of general funds in revenues in fiscal year 2013-2014 became apparent. The actual general fund tax collections from the beginning of the fiscal year lagged the projected growth rates of the Council on Revenues. The Council on Revenues also apparently was concerned about the pace of collection and other economic factors. Since September 2013, the Council lowered its general fund revenue projections twice. On January 7, the Council met and reduced the general fund tax revenue growth for fiscal year 2014 from +4.1 percent to +3.3 percent. Each percentage point equates to about \$50 million in revenue. Subsequent tax collections still showed a continuing decline in the revenue collections for the State of Hawai‘i.

“With this fiscal backdrop, the Council on Revenues again met on March 11 and, as expected, the Council reduced the projected general fund tax revenue growth rate for fiscal year 13-14. Unexpectedly, however, the Council also reduced the projected revenue growth rate for fiscal years 15, 16, and 17. The reduction went from +3.3 percent to 0 percent in the current fiscal year; from +7.4 percent to 5.5 percent in fiscal year 2015; and from 7.7 percent to 5.0 percent in fiscal year 16. The Council’s reduced revenue projections had a major impact on the general funds available in this biennium budget. The projected revenue loss was \$190 million in the current fiscal year and more than \$300 million in the fiscal year 2015. The projected revenue loss for the next biennium was even more staggering – frankly, extremely alarming: \$484 million for fiscal year 16, \$502 million in fiscal year 17. The total cumulative impact on the revenue forecast was \$1.5 billion less than had been previously projected. The executive budget that sat before us was a billion dollars in deficit spending in the current biennium.

“For this and the next fiscal biennium, state government is expected to experience negative revenues over expenditures; that is, government will spend more than it takes in for the next several years. Our annual budget will be balanced by the carryover surplus of \$844 million that we struggled to achieve in the aftermath of the recession. We face much difficulty in the future and have chosen to not compound this by unwise or irresponsible actions taken today. We have continued our commitment to fiscal responsibility and have honored our investment in the unfunded liabilities of both the health fund and pension fund, so rest assured that those trust funds will remain intact and on a pathway to full funding.

“Although this conference draft is austere, it funds many of the programs of high priority to the Legislature and the executive. This clearly is a budget that makes and expresses our commitment to public education and the University of Hawai‘i System. The Department of Education got the lion’s share of additional funds that is appropriated in this budget: more than \$31.6 million have been added, which includes \$15 million in the weighted student formula – those are funds that will go to

each and every school across the state. We’ve also added \$3.7 million for special education services, \$1.9 million to implement the Strive HI performance improvement system, \$2 million for student athletics, \$9 million for utilities and other fixed costs, and we’ve made an appropriation for \$3 million for the early learning program through pre-kindergarten. Clearly, our commitment to public education is reaffirmed in this budget.

“In addition, we’ve appropriated more than \$23.5 million to the University of Hawai‘i and we have demonstrated our commitment to stabilizing the West O‘ahu campus by providing 89 positions and \$4 million in operating funds so that the university can begin to build its programs that all of our communities want.

“We have also made investments in the infrastructure and safety net services in the Department of Human Services, Health, and the Health Systems Corporation, and we have made a commitment to fund the UH College of Pharmacy and the primary care residency program at the Hilo Medical Center.

“All in all, members, I really believe that this budget demonstrates our commitment to the core priorities of state government and I encourage all of you to support it. Thank you.”

Senator Slom rose to speak in opposition to the measure as follows:

“First of all, I also want to acknowledge the work of the Ways and Means chair, members, and staff; I know it’s extremely difficult. And I want to take some of the words that the Ways and Means chairman just used: the alarming figures, the revenue losses, the economic estimates of downturn. My background is that of a consulting economist; my belief has been, as I’ve expressed to you many times, we never came out of the recession. We are still in a recession now. The people of Hawai‘i are suffering and they are struggling: single moms, families, and small businesses. And while it is difficult to make decisions, and difficult to say ‘no’ to certain people and certain needs, that is our job.

“And we heard before we went into conference that this was a prudent budget, an austere budget – and yet I would take issue with that. It’s not austere when we’re spending more money than we’re taking in. It’s not prudent when we see the alarm signs all around us and now almost everybody, almost everyone, can read these economic signposts, and they tell us that we must change our course. And yet we have not. Instead of this being a debate over the budget, it more accurately is a spending bill and a debate on spending. And the question is the priorities, and we still don’t seem to get our priorities straight because every time a special interest group comes in to lobby us, then their issue becomes front and center and the most important thing. And I’m not here to diminish the importance to individuals and to groups of their particular programs, but I am here to say, ‘This is not our money; this is the public’s money.’ This is the young people that we see sitting in the gallery today. They’re the ones that are going to be responsible for the fiscal decisions that we make.

“People talk about compassion and they say we have to be compassionate. It’s a lot easier to be compassionate with other people’s lives and other people’s money. True compassion means fiscal restraint and fiscal reality. And the fact that we cut some of the increases that the governor proposed is not reducing the overall spending that we need to do, that every family and every business that operates under a budget must do. It’s painful; you don’t want to do it, but you must do it in order to survive. Most families and most businesses don’t have the opportunity to tax their neighbors to get more revenue or to

issue bonds, to which additional debt accrues. They must live within their means.

“And that means we need to change, but we haven’t done that. We’re on the same course. In addition to the \$23.7 billion in this supplemental two-year budget, as was correctly pointed out, we have additional measures, which we’re going to vote on this morning, which also authorize more millions of dollars. We also have the debt service that we pay. We also have a capital improvements budget. We have all of these expenditures, yet we don’t have the means to pay for them. And as was pointed out, after the next two fiscal periods, fiscal year 15 and 16, this state will be without cash. It will be in a deficit position. We are gambling on the future – not our future in the Legislature, but the future of the taxpayers and the young people that we say that we represent. We’re gambling that somehow, some way, from sources unknown to us now, we’ll be able to find the money to fund the expenditures of today.

“Your Senate Minority, for the last several years, has worked very diligently to produce an alternative budget; and I would like to salute our members and particularly our budget director, Paul Harleman, who worked so hard and worked in conjunction with the state budget director to make sure that we were accurate in what we were doing. But it is a clear difference in philosophy, and our philosophy is we have to cut spending. We have to cut debt, because in addition to the operating supplemental budget and the CIP and the budget of the judiciary, in addition to the additional bills that we have that appropriate money, we also have the largest unfunded liability in the nation at over \$20 billion more. That’s just to pay for employees, retired and active, their health plan, and their retirement plan. We are a state of a population of 1.4 million people. Do the numbers. We can’t afford \$20 billion here, \$23 billion there; it just doesn’t add up.

“And we didn’t pass one bill this session – not one – to help improve our business climate, to lower the cost of doing business in this state, to make us more hospitable as a business and investment place that people want to come to. Instead, we hear about how costly it is to live; how our costs keep going up geometrically; how we fail to wrestle with other alternatives; how we can’t even get support in this legislative body to ask our Congress and our congressional delegation to seek relief from the burdensome Jones Act, just as Alaska has done, just as Guam has done, just as Puerto Rico has done, but not Hawai‘i. And now we know that over 50 percent of the increased costs come from this one piece of legislation alone.

“But we haven’t done these things; we haven’t made the changes. So, we can pat ourselves on the back and leave here today thinking that we’ve done a good job and wrestled with the hard decisions, and yet we have not. It’s difficult being a good legislator; it’s difficult having to vie with these competing interests. But it’s just like being a parent: Occasionally, you have to say ‘no,’ and even though your child is unhappy with you and may even be angry with you, it’s the right thing to do.

“So, I urge my members, I urge my colleagues to look at these figures carefully, to understand where the money comes from, to understand that if we don’t improve our overall economy that we are going to visit upon our children and their children grave economic consequences, and it won’t be because no one knew about it or no one raised a warning flag. So, you’ll have to vote your conscience and you’ll have to vote what you do. It’s not easy to vote against the budget because there are many fine things in the budget and many contributions that have been made. But it is the idea that we need to change direction in Hawai‘i and we need to do it now. Thank you, Madam President.”

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

“One might have thought that assembling the construction budget in better economic times would be easier than in the immediate past, but this has very definitely not been the case. In spite of the Administration’s somewhat optimistic budget proposal – and largely because of revised forecasts from the Council on Revenues – we found that it was necessary to cut and re-prioritize to accommodate what, together with the House, we eventually decided on as the best investments in bond-funded projects. So, I believe our priorities are straight.

“The longer term economic outlook for two or three years out offers hope that some of our unmet needs can be taken care of, but for now, here is an overview of the items we have agreed on in the draft before us.

“H.B. No. 1700, C.D. 1 proposes a CIP budget for fiscal biennium 2013-2015 in the amount of just over \$5 billion, of which \$2.3 billion is funded by general obligation or reimbursable bonds.

“A primary goal is to continue the progress begun over the last few years in renovating, repairing, and maintaining existing state-owned facilities to utilize our current resources and reduce general fund expenditures in the future.

“C.D. 1 proposes nearly \$900 million to fund these types of projects – including \$700 million for the Department of Education and \$90 million for the UH System – with the remainder allocated to hundreds of other projects, mainly within the Department of Health, DLNR, and DAGS.

“Major funding in the amount of \$1.9 billion is provided to the Department of Transportation for highways, harbors, and airports, including an additional \$280 million for the new mauka concourse at Honolulu International Airport.

“Another priority was to designate appropriations for projects needed to address future capacity needs and economic growth.

“C.D. 1 includes funding for the UH Hilo College of Pharmacy in the amount of \$32 million. We are also funding a new allied health and administration building for the growing UH West O‘ahu campus at Kapolei in the amount of \$28 million.

“Following last year’s major investment in technology infrastructure, the budget this year includes an investment of \$100 million in state and matching federal funds for KOLEA, the new eligibility system for public assistance programs.

“Let me thank Ways and Means Chair David Ige for his encouraging support and steadfast leadership and diligence in supporting our efforts through this CIP budget. A big mahalo also to our counterparts in the House for their support and hard work in crafting this CIP budget. We all look forward to the positive impact this budget will have on our state. And finally, I’d be remiss if I didn’t introduce my staff: my CIP specialist, Will Kane, and my office manager, Park Kaleiwahea. I wanted to thank Will for his expertise and knowledge and abundance of patience, as well as my office manager, Park, and all of my staff for keeping us focused through this very, very hard work. And I thank all of you, my colleagues and Madam President, also for your patience with us. Mahalo.”

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

“I’m pleased to note that the Senate understands the importance of the budget as a policy document and works with our House colleagues to ensure that the budget can be used as a tool for economic development and growth. That will really

help our bottom line as a state. This budget balances the needs in health and human services along with the needs in business, economic development, and tourism, housing, and all of the other areas that are primary for the state to fund in terms of both operating and capital improvement. I think it conveys that the Legislature, with this C.D. 1, are actually responsible, visionary, concerned about where we put our dollars and are being the best stewards of those resources that we can.

"I'd like to congratulate our Ways and Means chair. Madam President, you, Senator Taniguchi, and I know how difficult it is to sit in that role. I think that the Senate has been fortunate over the past number of years to have his steady leadership and his steadfast interest in working with all of our colleagues to make sure that the budget was balanced, it took the needs on the neighbor islands as well as O'ahu into consideration, and tried to accommodate priority of our various constituencies as well as our subject-matter areas. I'd also like to commend the vice chair of Ways and Means for her leadership in crafting the CIP portion of the budget. It's not an easy job trying to balance the needs and concerns that all of us, representing different parts of the state, who request consideration for construction projects, school improvement projects, and other infrastructure items that will make the lives in our various communities better.

"I'm proud of this budget; I'm proud of the work that all of the members of Ways and Means, under the leadership of Senator Ige and Senator Kidani, have done. We have a document that we can be proud of and will help to continue to move our state forward as we stay steadily on a course that's going to bring even better economic times for all of us. Mahalo."

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

"Thank you. First of all, I would like to thank Senator Ige and Senator Kidani for their leadership as Ways and Means chair and vice chair. Your thoughtful, creative, and diligent work will have long-lasting positive impact on our islands and the people of Hawai'i. Mahalo to all your staff and the members of Ways and Means, our Senate colleagues, all of our office staff and support staff for their countless hours and dedication to serving the public. Mahalo also to the executive branch for working together with the Legislature and providing guidance and assistance in our deliberations, as well as our House Finance chair and vice chairs and all the members of the House for their leadership and guidance.

"H.B. No. 1700, C.D. 1 provides funding for early childhood, public elementary, middle, and high school education; higher education; social and health services; needed transportation infrastructure upgrades for our harbors, airports, highways, and bikeways; social, environmental stewardship, and preservation initiatives; medical and public health facility upgrades; public safety and law enforcement supports and facility improvements; homeless and housing funding and infrastructure investments to make affordable housing a reality; information and technology upgrades that will improve efficiency in delivery of public services and cybersecurity infrastructure; juvenile justice restoration efforts and community integration programs for people coming out of incarceration; economic development investments that will continue to diversify our agriculture, tourism, green industries, technology, cultural and historical preservation; and many more important things.

"In particular, I wanted to highlight the area of affordable housing, public housing, housing for beneficiaries of Department of Hawaiian Home Lands, veterans' housing, long-term care, our after-school programs for middle school students and our elementary schools, and various social and health programs for our vulnerable populations.

"What I've included on your desks is a summary of some of the affordable housing initiatives that you have all been a part of. In particular for the budget, I wanted to point out the following: For the Rental Housing Trust Fund, which has built over 4,000 units to date, we are, for the first time, adding new monies to this trust fund in the amount of \$5 million. This, along with the bill that will increase and restore the Bureau of Conveyances tax to the Rental Housing Trust Fund, will help nonprofits and other developers to build affordable units here in Hawai'i. As you know, we have a 50,000 housing unit shortage in this state, of which 19,000 units are for those that are earning 80 percent of the area median income. For an individual person, that is about \$57,000 that you earn if you're at 100 percent of the AMI. So, 80 percent and below would be in the \$36,000 range or lower. And for a family of four, where the 100 percent of AMI for a family of four is about \$83,000, we're looking at units for households that earn about \$64,000 or less annually.

"We are also including in this budget an additional infusion of \$7 million in the Dwelling Unit Revolving Fund. This particular DUR fund will help with building infrastructure that is needed to reduce the overall cost of building housing. We have also included in this budget \$7,832,000 in low-income housing tax credit loans, and as many developers have indicated to us, that is also critical in reducing the overall cost of housing built in Hawai'i. We have also added \$29,383,000 for the Hawaiian Home Lands trust fund. This will help over 23,000 applicants that are waiting for Hawaiian home lands: our Native Hawaiians. We are also adding \$26 million to the already-appropriated \$45 million last session to our Public Housing Authority. We have a waiting list of about 10,000 families, which equals about 30,000 people in Hawai'i.

"There are many other things that I know are noteworthy that our chairs of the various subject matters, I hope, will be able to highlight, but I really wanted to thank all of you and Senator Ige and Senator Kidani for making affordable housing a priority this year. Thank you very much."

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

"I just wanted to make some brief comments thanking the chairs. They did an excellent job protecting our health care safety net. The \$15 million emergency appropriation for HHSC will keep those hospitals open. The \$2 million appropriation for the residency program on the Big Island, as Chair Ige mentioned, helps us train primary care physicians. Resources for community health centers are essential for our most needy individuals. And they funded the good work of Senator Baker on the health insurance exchange to protect the Prepaid Health Care Act, which was absolutely essential to making sure we didn't lose ground on health insurance. So, just some of the highlights, and I think it was a good year, strategically, to preserve our health care safety net. Thank you, Madam Chair."

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

"Thank you, Madam Chair. I rise in support and take this opportunity, on behalf of the Senate Majority, to thank the chairs of the money committees in both houses and the vice chairs as well.

"As stewards of the taxpayers' money, colleagues, the Legislature has an obligation to both spend wisely on today's needs and to ensure that we have enough to be prepared for the challenges of the future. This state budget proposal was a cumulative result of four years of austere budgets, revenue changes, furloughs, and layoffs. Sacrifices were made by everyone: families, businesses, and governments. Utilizing the experiences of the past, the Legislature finds that the signs of slow growth are appearing throughout the economy.

Economists have consistently predicted much more moderate rates of growth in the coming years and the money chairs have adjusted.

"Considering all these factors, the Legislature has constructed a conservative budget. The Legislature tasks itself with assuring that government and the services on which people rely are consistent and sustainable for the long term and can withstand the cyclical nature of the economy. This sound and far-sighted financial plan and budget will allow the state to operate confidently and plan strategically for the future. We encourage all, especially in the majority, to vote in favor of the budget. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 148-14 was adopted and H.B. No. 1700, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 115-14 (H.B. No. 2490, H.D. 2, S.D. 2, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 115-14 be adopted and H.B. No. 2490, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Espero.

Senator Ige then offered the following amendment (Floor Amendment No. 9) to H.B. No. 2490, H.D. 2, S.D. 2, C.D. 1:

Section 1. House Bill No. 2490, H.D. 2, S.D. 2, C.D. 1, is amended as follows:

1. By amending Section 5 of the bill to read:

"SECTION 5. Section 352D-4, Hawaii Revised Statutes, is amended to read as follows:

"**§352D-4** **Establishment; purpose.** There is established within the department of human services for administrative purposes only the office of youth services. The office of youth services is established to provide services and programs for youth at risk under one umbrella agency in order to facilitate optimum service delivery, to prevent delinquency, and to reduce the incidence of recidivism among juveniles through the provision of prevention, rehabilitation, and treatment services. The office shall also be responsible for program planning and development, intake/assessment, oversight, as well as consultation, technical assistance, and staff training relating to the delivery of services.

The office shall provide a continuum of services as follows:

- (1) An integrated intake/assessment and case management system;
- (2) The necessary educational, vocational, social counseling and mental health services;
- (3) Community-based shelter and residential facilities;
- (4) Oversight of youth services; and
- (5) Other programs which encourage the development of positive self-images and useful skills in such youth.

The executive director of the office of youth services shall submit annual reports to the legislature no later than twenty days prior to the convening of each regular session, reporting the services or programs funded pursuant to this section, the number of youth served by each service or program, and the results of the services or programs funded.

To this end, on July 1, 1991, this office shall assume the responsibilities for juvenile corrections functions, which were temporarily placed in the department of corrections pursuant to Act 338 of 1987. These functions shall include, but not be limited to, all responsibilities, under chapter 352, for the Hawaii youth correctional facilities."

2. By amending Section 17 of the bill to read:

"SECTION 17. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,260,500 or so much thereof as may be necessary for fiscal year 2014-2015 for the necessary costs and expenses incurred in carrying out the purposes of this Act.

The sum appropriated shall be expended by the office of youth services for the purposes of this Act."

Senator Ige moved that Floor Amendment No. 9 be adopted, seconded by Senator Espero.

Senator Ige rose to speak in support of the amendment as follows:

"Yes, Madam President. In reviewing the draft that was placed before us, we did notice that there were provisions that would have allowed unused appropriations for the juvenile justice reinvestment program to remain un-lapsed indefinitely. The floor amendment before us just deletes those provisions so that expenditures and appropriations for the juvenile justice reinvestment program are like any other appropriations that we make and lapse at the end of the fiscal year."

The motion to adopt Floor Amendment No. 9 was put by the Chair and carried.

Senator Ige then moved that Conf. Com. Rep. No. 115-14 be received and placed on file, seconded by Senator Espero and carried.

By unanimous consent, H.B. No. 2490, H.D. 2, S.D. 2, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO JUVENILE JUSTICE," was placed on the calendar for Final Reading on Thursday, May 1, 2014.

Conf. Com. Rep. No. 136-14 (S.B. No. 2948, S.D. 1, H.D. 1, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 136-14 be adopted and S.B. No. 2948, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

Senator Ige then offered the following amendment (Floor Amendment No. 10) to S.B. No. 2948, S.D. 1, H.D. 1, C.D. 1:

SECTION 1. S.B. No. 2948, S.D. 1, H.D. 1, C.D. 1, is amended as follows:

1. By amending Section 1 of the bill to read:

"SECTION 1. The legislature finds that the public utilities commission is undergoing a major transition due to increased work complexity and program responsibilities, particularly in the area of energy regulation. To ensure that the mission of the public utilities commission is adequately supported, the commission should transition from its current administrative status within the department of budget and finance to being administratively attached to the department of commerce and consumer affairs; subject to certain limitations on the oversight role of the department of commerce and consumer affairs.

The legislature further finds that the commission's internal management capacity needs to be updated. The chairperson of the commission is in need of an executive officer to assist with managing the operations of the commission. The creation of an executive officer position to oversee the management and recruitment of personnel, budget planning and implementation, strategic planning and implementation, procurement and contract administration, and implementation of administrative programs and projects will enable the chairperson of the commission to focus on the growing number and increasingly technical complexity of issues brought before the commission. Enabling the commission to establish two civil service

positions, a personnel officer and a fiscal officer, will further support the commission and provide for a seamless transition.

The legislature additionally finds that the division of consumer advocacy of the department of commerce and consumer affairs protects and advances the interests of Hawaii's consumers of regulated public utilities. The executive director and staff members of the division of consumer advocacy attend public hearings held by the public utilities commission to get input from the public, which helps them to better understand the consumer's perspective on utility services and rates. Because this understanding is an integral part of the division's work, the legislature concludes that the executive director of the division of consumer advocacy, rather than the director of commerce and consumer affairs, should be the consumer advocate in hearings before the public utilities commission.

The purpose of this Act is to adequately support the mission of the public utilities commission, ensure the efficient operation of the public utilities commission, address the role of the consumer advocate, and ensure that important decisions relating to public utilities continue to be made in the public interest by:

- (1) Transferring the administrative placement of the public utilities commission from the department of budget and finance to the department of commerce and consumer affairs; subject to certain limitations on the oversight and administrative support role of the department of commerce and consumer affairs;
- (2) Clarifying that notwithstanding section 26-35, Hawaii Revised Statutes, the public utilities commission has authority concerning standard administrative practices, including operational expenditures and the hiring of personnel;
- (3) Enabling the chairperson of the public utilities commission to appoint, employ, and dismiss an executive officer to manage the operations of the commission;
- (4) Enabling the chairperson of the public utilities commission to appoint, employ, and dismiss a fiscal officer and a personnel officer to further support the administrative activities of the commission and fulfill the administrative support functions formerly provided by the department of budget and finance;
- (5) Establishing that the executive director of the division of consumer advocacy shall be the consumer advocate; and
- (6) Appropriating funds to effectuate the transfer of the public utilities commission and for the hiring of an executive officer, a fiscal officer, and a personnel officer within the public utilities commission."

2. By amending Section 7 of the bill to read:

"SECTION 7. Section 269-33, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) There is established in the state treasury a public utilities commission special fund to be administered by the public utilities commission. The proceeds of the fund shall be used by the public utilities commission and the division of consumer advocacy of the department of commerce and consumer affairs for all expenses incurred in the administration of chapters 269, 271, 271G, 269E, and 486J[?], and for costs incurred by the department of commerce and consumer affairs to fulfill the department's limited oversight and administrative support functions; provided that the expenditures of the public utilities commission shall be in accordance with legislative appropriations. On a quarterly basis, an amount not exceeding thirty per cent of the proceeds remaining in the fund after the deduction for central service expenses, pursuant to section 36-27, shall be allocated by the public utilities commission to the division of consumer advocacy and deposited in the compliance resolution fund established pursuant to section 26-9(o); provided that all moneys allocated

by the public utilities commission from the fund to the division of consumer advocacy shall be in accordance with legislative appropriations.'"

Senator Ige moved that Floor Amendment No. 10 be adopted, seconded by Senator Baker.

Senator Ige rose to speak in support of the amendment as follows:

"Yes, once again, Madam President, in reviewing the conference draft for S.B. No. 2948 that was decked, we did notice that there was a provision that increased the ceiling for the PUC special fund that would have impact on the financial plan that was not accommodated for or included in approval given the subject matter committees. This floor amendment just removes those provisions to ensure that the impact of S.B. No. 2948, C.D. 1 is appropriately reflected in the financial plan."

The motion to adopt Floor Amendment No. 10 was put by the Chair and carried.

Senator Ige then moved that Conf. Com. Rep. No. 136-14 be received and placed on file, seconded by Senator Baker and carried.

By unanimous consent, S.B. No. 2948, S.D. 1, H.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," was placed on the calendar for Final Reading on Thursday, May 1, 2014.

At 11:16 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:59 a.m.

ADVISE AND CONSENT

MATTERS DEFERRED FROM WEDNESDAY, APRIL 23, 2014 AND FRIDAY, APRIL 25, 2014

Stand. Com. Rep. No. 3512 (Gov. Msg. No. 502):

Senator Dela Cruz moved that Stand. Com. Rep. No. 3512 be received and placed on file, seconded by Senator Slom and carried.

Senator Dela Cruz then moved that the Senate advise and consent to the nomination of BRIAN TAMAMOTO to the Hawaii Community Development Authority (Kakaako District), term to expire June 30, 2015, seconded by Senator Slom.

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

Ayes, 20; Ayes with Reservations (Baker, Espero, Green, Taniguchi). Noes, 5 (Ige, Ihara, Ruderman, Slom, Thielen).

Stand. Com. Rep. No. 3514 (Gov. Msg. No. 585):

By unanimous consent, action on Stand. Com. Rep. No. 3514 and Gov. Msg. No. 585 was deferred until later on the calendar.

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM FRIDAY, APRIL 25, 2014

Stand. Com. Rep. No. 3516 (S.R. No. 59, S.D. 1):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 59, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE HAWAII LABOR RELATIONS BOARD TO CONDUCT AN INVESTIGATION INTO THE GRIEVANCE ARBITRATION PROCESS IN PUBLIC COLLECTIVE BARGAINING," was adopted.

Stand. Com. Rep. No. 3517 (H.C.R. No. 200):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 200, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES AND STATE FOUNDATION ON CULTURE AND THE ARTS TO PLACE A PEACE POLE SCULPTURE NEAR THE KATSU GOTO MEMORIAL AND RECOGNIZING THE EFFORTS OF THE COMMUNITY OF HONOKA'A, THE HONOKA'A PEACE COMMITTEE, AND THE IMPORTANCE OF COMMEMORATING PEACE DAY," was adopted.

FINAL ADOPTION

MATTERS DEFERRED FROM FRIDAY, APRIL 25, 2014

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

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 47, S.D. 1, and 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 Finally Adopted.

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

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 51, S.D. 1, and 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 Finally Adopted.

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

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 74, S.D. 1, and 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 Finally Adopted.

FINAL READING

Conf. Com. Rep. No. 31-14 (S.B. No. 2799, S.D. 2, H.D. 1, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 31-14 and S.B. No. 2799, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 5-14 (H.B. No. 2560, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Nishihara and carried, Conf. Com. Rep. No. 5-14 was adopted and H.B. No. 2560, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CHILD CARE HOMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 6-14 (S.B. No. 2577, S.D. 2, H.D. 2, C.D. 1):

Senator Green moved that Conf. Com. Rep. No. 6-14 be adopted and S.B. No. 2577, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

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

The Chair having so ordered, Senator Baker's remarks read as follows:

"Madam President, I rise in strong support of SB 2577, Relating to Naturopathic Physicians.

"Patients should be able to choose the health care provider from which they wish to receive care, and to be confident that the care they receive is high-quality and up-to-date with advances in their health field. SB2577 CD1 promotes patient safety and ensures that Hawai'i residents who choose naturopathic care receive the highest quality naturopathic care possible.

"This bill requires naturopathic physicians to complete at least 35 hours of continuing education in naturopathic medicine biennially, of which 15 must be in pharmacology. Such requirements enhance patient safety, and are supported by the Board of Naturopathic Medicine, the Healthcare Association of Hawaii and the numerous naturopathic physicians and their patients who weighed in on this measure.

"This bill has gone through several transformations prior to reaching its current form – transformations that would have limited the ability of naturopathic physicians to deliver medical care to their patients in the way they were trained. Consumers should be able to choose the type of care they wish to receive, and licensed medical professionals should be able to practice to the fullest extent of their training.

"Naturopathic physicians and the licensing, regulatory board support this current measure, as do I, because it will have the effect of enhancing quality of care and promoting patient safety.

"Mahalo to my colleagues for their support of SB2577 CD1."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 6-14 was adopted and S.B. No. 2577, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHIC PHYSICIANS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 8-14 (S.B. No. 2809, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Espero and carried, Conf. Com. Rep. No. 8-14 was adopted and S.B. No. 2809, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UTILITIES REGULATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 10-14 (S.B. No. 2391, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Solomon, seconded by Senator Espero and carried, Conf. Com. Rep. No. 10-14 was adopted and S.B. No. 2391, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read

throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 12-14 (S.B. No. 651, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Hee and carried, Conf. Com. Rep. No. 12-14 was adopted and S.B. No. 651, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 15-14 (H.B. No. 452, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 15-14 was adopted and H.B. No. 452, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION FRAUDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 16-14 (H.B. No. 1641, S.D. 1, C.D. 1):

On motion by Senator Wakai, seconded by Senator Hee and carried, Conf. Com. Rep. No. 16-14 was adopted and H.B. No. 1641, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENTAL ACCESS TO STORED COMMUNICATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 17-14 (S.B. No. 2082, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Solomon, seconded by Senator Hee and carried, Conf. Com. Rep. No. 17-14 was adopted and S.B. No. 2082, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND COURT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 18-14 (S.B. No. 2953, S.D. 1, H.D. 3, C.D. 1):

On motion by Senator Solomon, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 18-14 was adopted and S.B. No. 2953, S.D. 1, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE RESOURCES ON HAWAIIAN HOME LANDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 19-14 (S.B. No. 3121, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Solomon, seconded by Senator Dela Cruz and carried, Conf. Com. Rep. No. 19-14 was adopted and S.B. No. 3121, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 20-14 (S.B. No. 2330, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Solomon, seconded by Senator Tokuda and carried, Conf. Com. Rep. No. 20-14 was adopted and S.B. No. 2330, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE KANEHOE BAY REGIONAL COUNCIL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 21-14 (H.B. No. 737, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Kouchi and carried, Conf. Com. Rep. No. 21-14 was adopted and H.B. No. 737, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST AGRICULTURAL ENTERPRISES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 22-14 (H.B. No. 1814, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Baker and carried, Conf. Com. Rep. No. 22-14 was adopted and H.B. No. 1814, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT OF WAGES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 24-14 (H.B. No. 1604, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 24-14 was adopted and H.B. No. 1604, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 25-14 (H.B. No. 2188, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Ige and carried, Conf. Com. Rep. No. 25-14 was adopted and H.B. No. 2188, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 27-14 (H.B. No. 1706, H.D. 1, S.D. 1, C.D. 1):

Senator English moved that Conf. Com. Rep. No. 27-14 be adopted and H.B. No. 1706, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Espero.

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

The Chair having so ordered, Senator Baker's remarks read as follows:

"Madam President, I rise in support of **HB1706 CD1**.

“**HB1706 CD1** establishes a single fine for motorists who park a vehicle in a bicycle lane or pathway.

“As Hawai‘i is working on expanding its alternatives modes of travel, including bicycle paths and lanes, it is becoming more and more pressing that something be done to protect our bicyclists. One of the best ways we can do that is by reducing the occurrence of obstacles hindering the use of bike paths and lane. Currently a maximum fine for parking violations is \$500 but ticketing officers typically only impose the minimum fine of \$35 which is not high enough to deter offenders.

“By creating a higher, single fine for obstructions in bike lanes we will hopefully create a larger deterrent for motorists to obey the law.

“I urge my colleagues to support **HB1706 CD1** for safer lanes for bicyclists and pedestrians.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 27-14 was adopted and H.B. No. 1706, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ILLEGAL PARKING UPON BIKEWAYS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 29-14 (H.B. No. 1750, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 29-14 was adopted and H.B. No. 1750, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC ORDER,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 30-14 (S.B. No. 2729, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator English, seconded by Senator Hee and carried, Conf. Com. Rep. No. 30-14 was adopted and S.B. No. 2729, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MOBILE ELECTRONIC DEVICES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 32-14 (S.B. No. 2591, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Espero, seconded by Senator Hee and carried, Conf. Com. Rep. No. 32-14 was adopted and S.B. No. 2591, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 33-14 (H.B. No. 2401, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Hee and carried, Conf. Com. Rep. No. 33-14 was adopted and H.B. No. 2401, H.D. 2, S.D. 2, 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.

Conf. Com. Rep. No. 34-14 (S.B. No. 2300, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Espero, seconded by Senator Galuteria and carried, Conf. Com. Rep. No. 34-14 was adopted and S.B. No. 2300, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FIRE PROTECTION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 35-14 (H.B. No. 2052, H.D. 2, S.D. 2, C.D. 1):

Senator Green moved that Conf. Com. Rep. No. 35-14 be adopted and H.B. No. 2052, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hee.

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

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

“Madam President, I rise in strong support of HB2052, CD1 - Relating to Provider Orders for Life-Sustaining Treatment.

“This measure will change the reference from ‘physician orders for life sustaining treatment’ to ‘provider orders for life sustaining treatment’ to include Advanced Practice Registered Nurses (APRNs) who are also primary care providers. This change will increase access to POLST services.

“Provider Orders for Life Sustaining Treatment ensures that patients’ wishes regarding their health care will be documented and honored across all health care settings. It requires a meaningful dialogue between patients, their loved ones and their primary care provider whether physician or APRN. It gives patients and their families the peace-of-mind that their loved one will be cared for in exactly the way they want when patients are no longer able to speak for themselves.

“HB 2052, HD1 is consistent with barrier-breaking legislation enacted from 2009-2011, when the Legislature authorized APRNs to function independently as primary care providers to help relieve the oncoming shortage of primary care physicians. Expanding signatory authority to POLST is necessary to ensure that all patients – especially those who live in rural, medically underserved areas of Hawai‘i – are able to make important healthcare decisions for themselves.

“I ask all my colleagues to join me in supporting this important measure. Mahalo.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 35-14 was adopted and H.B. No. 2052, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROVIDER ORDERS FOR LIFE-SUSTAINING TREATMENT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 37-14 (H.B. No. 2304, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Green, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 37-14 was adopted and H.B. No. 2304, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE NEUROTRAUMA ADVISORY BOARD,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 38-14 (H.B. No. 611, H.D. 1, S.D. 1, C.D. 1):

Senator Green moved that Conf. Com. Rep. No. 38-14 be adopted and H.B. No. 611, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

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

The Chair having so ordered, Senator Baker's remarks read as follows:

"Madam President, I rise in strong support of HB 611, CD1 - RELATING TO TANNING.

"HB 611 will make it unlawful for anyone who is under the age of 18 to use a tanning bed. It further requires tanning facilities to post notices that disclose the health risks associated with using tanning beds. The only exemptions to this legislation would be for physicians licensed to use ultraviolet light as a form of treatment.

"This bill is necessary to protect public health. Most people know that prolonged exposure to the sun's ultraviolet rays is harmful. However, many people do not know that tanning via artificial ultraviolet light delivers levels of radiation 10-15 times higher than the mid-day sun. In fact, there is a misconception that a 'base tan,' obtained by using tanning devices protects from actual sun exposure. This is false.

"In 2009, the International Agency for Research on Cancer elevated tanning devices to its highest cancer risk category – 'carcinogenic to humans.' Excessive ultraviolet radiation exposure, particularly during childhood and adolescence, is an important predictor of future health consequences.

"According to the American Cancer Society:

- Those who use tanning beds prior to age 35 have a 59% increased risk of melanoma, the most deadly of all skin cancers;
- Melanoma is one of the most common cancers among men and women aged 15-29 years;
- Using a tanning bed increases the risk of two types of skin cancer, squamous and basal cell carcinomas, by 67% and 29% respectively;
- UV radiation from indoor tanning and other sources is cumulative over time. The earlier a person starts tanning, the greater the risk of getting melanoma and other skin cancers later in life.

"Furthermore, the tanning bed industry lacks regulation. There are no guidelines regarding exposure times and frequencies, education of employees or information given to consumers.

"Passage of HB 611, CD1 will help protect public health by appropriately regulating the use of tanning beds and educating unaware consumers in the process. I ask my colleagues to join me in supporting this measure. Mahalo."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 38-14 was adopted and H.B. No. 611, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TANNING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 39-14 (H.B. No. 1723, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Green, seconded by Senator Baker and carried, Conf. Com. Rep. No. 39-14 was adopted and H.B. No. 1723, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHIATRIC FACILITIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 42-14 (H.B. No. 2205, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 42-14 was adopted and H.B. No. 2205, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 43-14 (H.B. No. 2243, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Hee and carried, Conf. Com. Rep. No. 43-14 was adopted and H.B. No. 2243, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 44-14 (S.B. No. 2687, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 44-14 was adopted and S.B. No. 2687, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 45-14 (S.B. No. 2368, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 45-14 was adopted and S.B. No. 2368, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROTECTION OF CHARITABLE ASSETS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 46-14 (S.B. No. 1015, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 46-14 was adopted and S.B. No. 1015, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRODUCTION OF RECORDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 47-14 (S.B. No. 2682, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 47-14 was adopted and S.B. No. 2682, S.D. 1, H.D. 2, C.D. 1, entitled: "A

BILL FOR AN ACT RELATING TO FINANCIAL DISCLOSURE STATEMENTS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 49-14 (S.B. No. 1233, H.D. 1, C.D. 1):

On motion by Senator Green, seconded by Senator Hee and carried, Conf. Com. Rep. No. 49-14 was adopted and S.B. No. 1233, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LEAVES OF ABSENCE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 50-14 (S.B. No. 2469, S.D. 2, H.D. 3, C.D. 1):

Senator Green moved that Conf. Com. Rep. No. 50-14 be adopted and S.B. No. 2469, S.D. 2, H.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Wakai.

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

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

“Madam President, I rise in strong support of SB2469 – Relating to Telehealth.

“This measure will create more access to health care in our state by requiring the equivalent reimbursement for services, including behavioral health services, provided through telehealth as for the same services provided via face-to-face contact between a health care provider and a patient. It clarifies that health care providers in reference to telehealth include primary care providers, mental health providers, oral health providers, physicians and osteopathic physicians, advanced practice registered nurses, psychologists, and dentists. It also creates consistency in statute by using the term ‘telehealth’ throughout instead of both telehealth and telemedicine.

“In many rural areas of Hawai‘i and often on the neighbor islands residents do not have the same level of access to care as residents in urban areas of O‘ahu. Thus, it is important to look for additional ways to provide our residents with the best health care possible. Telehealth expands those options.

“This measure will allow health care providers including primary care, mental health and oral providers, physicians, osteopathic physicians, advanced practice registered nurses, psychologists, and dentists to be reimbursed at the same rate as a face-to-face consultation with a patient. This process will ensure that many of these health care providers including specialists will utilize telehealth to consult and diagnose patients in varied settings in turn providing health care options to people with limited physical access to such health care services.

“It is important to be cognizant of the health care status of all of Hawai‘i’s people to enable them to access the best health care options available. This measure will help to us that goal.

“I urge all my colleagues to support this important measure for equal access to health care services in Hawai‘i. Mahalo.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 50-14 was adopted and S.B. No. 2469, S.D. 2, H.D. 3, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TELEHEALTH,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 51-14 (S.B. No. 1141, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Green, seconded by Senator Hee and carried, Conf. Com. Rep. No. 51-14 was adopted and S.B. No. 1141, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FORENSIC MENTAL HEALTH,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 52-14 (S.B. No. 2223, H.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 52-14 was adopted and S.B. No. 2223, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHANGE OF NAME,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 53-14 (S.B. No. 60, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 53-14 was adopted and S.B. No. 60, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO VICTIMS OF CRIMES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 54-14 (H.B. No. 1618, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Solomon, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 54-14 was adopted and H.B. No. 1618, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE COMPOSITION OF THE BOARD OF LAND AND NATURAL RESOURCES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 55-14 (H.B. No. 2163, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 55-14 was adopted and H.B. No. 2163, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PARENTAL PARITY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 58-14 (S.B. No. 2410, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 58-14 was adopted and S.B. No. 2410, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 62-14 (S.B. No. 2895, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 62-14 was adopted and S.B. No. 2895, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXPAYER EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 65-14 (S.B. No. 2820, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Espero and carried, Conf. Com. Rep. No. 65-14 was adopted and S.B. No. 2820, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 66-14 (S.B. No. 2288, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 66-14 was adopted and S.B. No. 2288, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 67-14 (S.B. No. 3125, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Wakai, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 67-14 was adopted and S.B. No. 3125, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 72-14 (H.B. No. 866, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Shimabukuro, seconded by Senator Espero and carried, Conf. Com. Rep. No. 72-14 was adopted and H.B. No. 866, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEWER SYSTEMS SERVICING ON HAWAIIAN HOME LANDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 76-14 (H.B. No. 1564, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Espero, seconded by Senator Kouchi and carried, Conf. Com. Rep. No. 76-14 was adopted and H.B. No. 1564, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 77-14 (H.B. No. 1772, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Espero, seconded by Senator Green and carried, Conf. Com. Rep. No. 77-14 was adopted and H.B. No. 1772, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 80-14 (S.B. No. 2486, S.D. 1, H.D. 1, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 80-14 be adopted and S.B. No. 2486, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Nishihara.

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

The Chair having so ordered, Senator Baker's remarks read as follows:

"Madam President, I rise in support of SB2486, CD1 - Relating to Private Guards

"This measure will reduce the continuing education requirement for private guards to four hours every two years. It will delay the continuing education requirement by two years, and it makes permanent the registration and licensure requirements for private guards and individuals acting in a guard capacity.

"Working with the stakeholders including the Board of Private Detectives and Guards, we found that the current requirement of four hours of continuing education every year is not necessary. Instead, the stakeholders strongly believe that four hours every two years including aloha training will be sufficient for the guards to stay informed of any new information or requirements for their field. The conference committee also decided to make the new CE requirements effective prior to the June 30, 2016, license renewal cycle.

"This measure improves the registration program for private guards and the professionalism of the guarding occupation. Mahalo for joining me to pass this measure."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 80-14 was adopted and S.B. No. 2486, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE GUARDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 83-14 (S.B. No. 3042, S.D. 2, H.D. 1, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 83-14 be adopted and S.B. No. 3042, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Espero.

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

The Chair having so ordered, Senator Baker's remarks read as follows:

"Madam President, I rise in support of SB3042, CD1 - Relating to Liquor License Classes.

"SB3042 removes unnecessarily restrictive limitations on the number of gallons of malt beverages manufactured by small

breweries and creates a new license class that will enable small producers to diversify their product lines.

“By removing these arbitrary restrictions, we will be providing a framework for local small businesses to grow. This, in turn, will be beneficial for the local economy by creating more jobs and more tax revenue for the state.

“This measure is one effort to encourage the growth of local small businesses that create jobs and provide for overall economic growth in the state.

“By voting yes on this measure, you will be helping to grow the local craft beer and beverage industry.

“Mahalo.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 83-14 was adopted and S.B. No. 3042, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LIQUOR LICENSE CLASSES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 90-14 (H.B. No. 1539, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 90-14 was adopted and H.B. No. 1539, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY’S ADMINISTRATION OF THE HOUSING CHOICE VOUCHER PROGRAM,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 92-14 (H.B. No. 2427, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 92-14 was adopted and H.B. No. 2427, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE REPEAL OF NON-GENERAL FUNDS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 95-14 (H.B. No. 2273, S.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Baker and carried, Conf. Com. Rep. No. 95-14 was adopted and H.B. No. 2273, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE MECHANIC CERTIFICATION PROGRAM,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 96-14 (H.B. No. 1966, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 96-14 was adopted and H.B. No. 1966, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 98-14 (H.B. No. 2400, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 98-14 was adopted and H.B. No. 2400, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY BENEFITS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 106-14 (S.B. No. 2365, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Baker and carried, Conf. Com. Rep. No. 106-14 was adopted and S.B. No. 2365, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE CLAIMS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 111-14 (H.B. No. 2464, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Ige and carried, Conf. Com. Rep. No. 111-14 was adopted and H.B. No. 2464, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAX CREDITS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 113-14 (H.B. No. 1993, S.D. 2, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 113-14 be adopted and H.B. No. 1993, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Keith-Agaran.

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

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

“Madam President, I rise in support of HB1993 CD1.

“This measure will provide better protection for our most vulnerable members of a family or household. It requires a police officer or other witness to make a reasonable inquiry into what the officer or witness believes is a physically abusive situation thus creating a more informed assessment of the domestic situation.

“When emotions and violence are potentially present it is better to be thorough and well informed than to look back and wish something could have been done differently. HB 1993 CD1 requires officers to order the person they believed inflicted the abuse to leave the premises for 48 hours. This can help family members cool off and give time, if necessary, for an individual to seek a restraining order for further protection.

“HB 1993 CD1 is most important for the youngest victims. The measure would make committing an act of domestic abuse in the presence of a juvenile under the age of 14 a Class C felony. Research has shown that children who witness domestic violence can suffer lasting severe emotional and developmental difficulties that are similar to those of children who were the direct victims of abuse. We need to protect these children from years of suffering. This measure is finally beginning to address the effects of domestic violence on the children in a household who don’t have physical scars but have had to bear witness to these traumatic events leaving wounds for many years to come. We need to make it a commitment to protect all the keiki and

truly look at the devastating effects domestic violence has on our youngest survivors.

“Colleagues, I ask that you vote in support of HB 1993 CD1 so that we can further protect the safety and well-being of Hawaii’s families.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 113-14 was adopted and H.B. No. 1993, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 116-14 (H.B. No. 238, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 116-14 was adopted and H.B. No. 238, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO WITNESSES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 118-14 (H.B. No. 1635, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 118-14 was adopted and H.B. No. 1635, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE JUDICIARY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 122-14 (H.B. No. 2179, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Kouchi and carried, Conf. Com. Rep. No. 122-14 was adopted and H.B. No. 2179, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LOWER HAMAKUA DITCH,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 132-14 (S.B. No. 2634, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 132-14 was adopted and S.B. No. 2634, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LOBBYISTS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 134-14 (S.B. No. 2821, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Espero and carried, Conf. Com. Rep. No. 134-14 was adopted and S.B. No. 2821, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 142-14 (H.B. No. 1943, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Gabbard, seconded by Senator Baker and carried, Conf. Com. Rep. No. 142-14 was adopted and H.B. No. 1943, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE MODERNIZATION OF THE HAWAII ELECTRIC SYSTEM,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 146-14 (H.B. No. 1692, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Kahele, seconded by Senator Ige and carried, Conf. Com. Rep. No. 146-14 was adopted and H.B. No. 1692, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TOURISM,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 149-14 (H.B. No. 748, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Hee and carried, Conf. Com. Rep. No. 149-14 was adopted and H.B. No. 748, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO AUTHORIZE THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST AGRICULTURAL ENTERPRISES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 12:03 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:06 p.m.

Conf. Com. Rep. No. 11-14 (S.B. No. 2877, S.D. 1, H.D. 1, C.D. 1):

Senator Solomon moved that Conf. Com. Rep. No. 11-14 be adopted and S.B. No. 2877, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Dela Cruz.

Senator Slom spoke to speak in support of the measure with reservations as follows:

“My reservations have to do with the fact that what this bill will now do is, upon a sale or transfer of a boat, there will not be the permit that goes along with it and the moorage area. We know that we are short of moorage areas in the state and we know that it’s important to try to access that moorage area, so it will diminish the value of any vessel that’s sold. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 11-14 was adopted and S.B. No. 2877, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO USE PERMITS FOR SMALL BOAT HARBOR FACILITIES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Slom). Noes, none. Excused, 1 (Hee).

Conf. Com. Rep. No. 13-14 (S.B. No. 2048, S.D. 1, H.D. 2, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 13-14 be adopted and S.B. No. 2048, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Slom spoke to speak in support of the measure with reservations as follows:

“I think there are many positive features in this bill to revitalize the cable industry and also the issuance of service area vendors, but what I’m most concerned about is the elimination of the required annual financial and management audit. I think that’s something that we need, particularly in this day when we see that there’s government oversight that’s lacking in the expenditures of our agencies. Thank you.”

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

“I would just note for my colleagues that the financial audits are required yearly already, so that provision was redundant. And we have received a communication that I would like to insert into the Journal, along with these remarks and some extended remarks that note that DCCA plans to do biennial management audits, anyway. That’s a more appropriate time frame, as these are very expensive audits for the department as well as the PEGs. Thank you.”

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

“Madam President, I rise in support of SB 2048 CD1.

“This measure deletes the sunset provision from Act 19, Session Laws of Hawaii 2011, allowing the Director of Department of Commerce and Consumer Affairs (DCCA) to designate access organizations in each franchise area to oversee the designated public, educational, or governmental access channels (PEGs). This measure will also remove the requirement for the DCCA to do annual management and financial audits of the PEGs. These audits are costly to the department and a time burden to the staff and management of PEGs. They are also a duplicative expense for the Department, a cost that is passed onto the consumer through subscriber’s fees. By removing the requirement the Department will be given the ability to regulate the PEGs by the having the flexibility to run plan management and financial reviews when necessary to ensure sufficient oversight and transparency.

“On April 24, the Senate and the House received a letter from Director Lopez affirming that the Department will conduct biennial management audits of PEG access organizations. The final results will be posted on the Department’s website to ensure transparency in the oversight of the PEG access organizations.

“DCCA is the most appropriate agency to protect the public interest in the cable franchise process, including oversight of the process for designating the PEG access organizations rather than the State Procurement office. A regular procurement process would not be in the best interest of consumers and could be costly and disruptive to services provided in each of the PEG broadcast areas. By designating an access organization in each franchise area to oversee the PEG channels, we can ensure that the unique needs and interests of each community are met. This bill provides much needed stability for PEG access and will provide the framework for community media to continue to thrive in Hawai’i.

“I respectfully request my colleagues to join me in voting yes on this measure that will continue to ensure high quality PEG access. Madam President, I would also like to request that the

letter from Director Lopez on DCCA’s commitment to transparency and biennial auditing be included in the Journal following these comments. Mahalo.”

The Chair having so ordered, the letter is identified as “**ATTACHMENT B**” to the Journal of this day.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 13-14 was adopted and S.B. No. 2048, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CABLE TELEVISION SYSTEMS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Slom). Noes, none. Excused, 1 (Hee).

Conf. Com. Rep. No. 14-14 (S.B. No. 2742, S.D. 1, H.D. 1, C.D. 1):

Senator English moved that Conf. Com. Rep. No. 14-14 be adopted and S.B. No. 2742, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Espero.

Senator Slom rose to speak in opposition to the measure as follows:

“We have a number of bills this year that have nice-sounding words and terms and phrases, but the fact of the matter is we are creating more offices that, really, are not going to accomplish anything. Resilience and sustainability – we’ve had sustainability committees; we’ve passed bills on sustainability. I don’t know about resilience; I hope the taxpayers are resilient because they’re going to get to pay for all of this. Again, we create more organizations, which add to the cost of government and cost to the taxpayers. Thank you.”

Senator English rose to request the remarks in support of the measure be entered into the Journal, and the Chair so ordered.

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

“SB2742 SD1 HD1 CD1, a bill that establishes the Pacific-Asia Institute for Resilience and Sustainability, creates a revolutionary and innovative public-private partnership to better approach community resilience and improve how the region addresses disruptive changes through global collaboration. It provides the structure and opportunity for a new generation of well-trained leaders to emerge who possess the skills and ability to address the region’s risks from natural and man-made hazards.

“In the region, we have concerns about climate change, environmental degradation, and sustainable use of natural resources, infrastructure protection and cyber resilience. As lawmakers we are looking ahead at how we will face these challenges and adapt to the changes.

“I introduced this bill to address what lies ahead.

“Upon the establishment of PAIRS, at the Hawaii Pacific University, the Office of the Lieutenant Governor will act as the State’s liaison to assist the Institute to: form partnerships with various entities from the public, private and civil sectors; facilitate three core initiatives: (1) Sustainability and the environment; (2) Global leadership and capacity building; and (3) Critical community continuity, including all levels of security awareness.

“Establishing PAIRS at HPU, we envision the creation of three research centers of excellence. These centers are: (1) Center for Cyber Leadership, serving as the initial innovation hub committed to revolutionizing leadership development, education and applied solutions; (2) Center for Sensemaking, bringing together experts from government,

business, academia and the science and technology communities to address critical infrastructure; and (3) Center for Strategic Planning and Network Analysis, providing a hub for network and relationship science analytics with a comprehensive set of big data and analytic capabilities for a community.

“The Institute, with the aid of partners such as the Global Partnerships Forum of the United Nations, State Department of Defense, PACOM, Hawaiian Telcom, IBM, HPU and the Massachusetts Institute of Technology (MIT) will engage in activities to achieve the three core initiatives by establishing: a named fellowship program; an interdisciplinary executive master’s degree program; and formation of innovative hubs throughout the region to provide a platform for problem solving.

“Thanks to the establishment of PAIRS, communities in the region will become resilient and sustainable through new solutions. It is a commitment by government and our partners to meet a new wave of global challenges that permeates the world and demands an innovative and revolutionary approach to enhance security, the economy and well-being of our residents.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 14-14 was adopted and S.B. No. 2742, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ESTABLISHMENT OF THE PACIFIC-ASIA INSTITUTE FOR RESILIENCE AND SUSTAINABILITY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 26-14 (H.B. No. 2139, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Espero, seconded by Senator Hee and carried, Conf. Com. Rep. No. 26-14 was adopted and H.B. No. 2139, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Thielen).

Conf. Com. Rep. No. 28-14 (H.B. No. 1811, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator English, seconded by Senator Ige and carried, Conf. Com. Rep. No. 28-14 was adopted and H.B. No. 1811, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Thielen).

Conf. Com. Rep. No. 40-14 (H.B. No. 1823, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Solomon, seconded by Senator Hee and carried, Conf. Com. Rep. No. 40-14 was adopted and H.B. No. 1823, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC LANDS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Thielen).

Conf. Com. Rep. No. 41-14 (H.B. No. 1926, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 41-14 was adopted and H.B. No. 1926, H.D. 1, S.D. 1, C.D. 1, entitled: “A

BILL FOR AN ACT RELATING TO CRIME,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 56-14 (H.B. No. 2116, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 56-14 was adopted and H.B. No. 2116, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SENTENCING FOR JUVENILE OFFENDERS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 57-14 (H.B. No. 2034, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 57-14 was adopted and H.B. No. 2034, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 61-14 (S.B. No. 2981, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Wakai and carried, Conf. Com. Rep. No. 61-14 was adopted and S.B. No. 2981, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ECONOMY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 63-14 (S.B. No. 2411, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 63-14 was adopted and S.B. No. 2411, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SUBSIDIES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 64-14 (S.B. No. 2779, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 64-14 was adopted and S.B. No. 2779, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FINANCIAL AUDIT OF THE STATE OF HAWAII BY THE LEGISLATIVE AUDITOR,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Taniguchi). Noes, none.

Conf. Com. Rep. No. 68-14 (S.B. No. 2483, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Espero and carried, Conf. Com. Rep. No. 68-14 was adopted and S.B. No. 2483, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONDOMINIUM ASSOCIATIONS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 69-14 (H.B. No. 2009, S.D. 1, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Kouchi and carried, Conf. Com. Rep. No. 69-14 was adopted and H.B. No. 2009, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MILK CONTROL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 70-14 (H.B. No. 2288, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Shimabukuro, seconded by Senator Solomon and carried, Conf. Com. Rep. No. 70-14 was adopted and H.B. No. 2288, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Ihara). Noes, 1 (Thielen).

Conf. Com. Rep. No. 81-14 (S.B. No. 2260, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Hee and carried, Conf. Com. Rep. No. 81-14 was adopted and S.B. No. 2260, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAGES AND HOURS ON PUBLIC WORKS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 89-14 (H.B. No. 2611, S.D. 2, C.D. 1):

Senator Dela Cruz moved that Conf. Com. Rep. No. 89-14 be adopted and H.B. No. 2611, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kidani.

Senator Slom rose to speak in opposition to the measure as follows:

"I raised this issue before: why, in fact, we need a management committee for the State Capitol. We have DAGS managing the Capitol now. The bill has an unspecified amount; we don't know how much it's going to cost to do this. And again, we're adding more government, more cost. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 89-14 was adopted and H.B. No. 2611, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE CAPITOL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 94-14 (H.B. No. 2147, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Ige and carried, Conf. Com. Rep. No. 94-14 was adopted and H.B. No. 2147, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Thielen).

Conf. Com. Rep. No. 97-14 (H.B. No. 2038, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 97-14 was

adopted and H.B. No. 2038, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN TRAFFICKING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 100-14 (S.B. No. 2542, S.D. 1, H.D. 1, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 100-14 be adopted and S.B. No. 2542, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

Senator Slom rose to speak in opposition to the measure as follows:

"As I've mentioned previously, I'll be voting against bills that further dilute the conveyance tax or divert it to other purposes because what that will result in will be a demand for increase in the conveyance tax. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 100-14 was adopted and S.B. No. 2542, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF THE CONVEYANCE TAX COLLECTIONS TO THE RENTAL HOUSING TRUST FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 101-14 (S.B. No. 632, S.D. 2, H.D. 1, C.D. 1):

Senator Gabbard moved that Conf. Com. Rep. No. 101-14 be adopted and S.B. No. 632, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hee.

Senator Slom rose to speak in opposition to the measure as follows:

"We've had a number of provisions and proposals to increase the courts and to have specific courts. It certainly is easy enough to have a judge assigned to an environmental issue. We have more environmental issues; I understand that, but the cost of an additional court for that and all of the costs that go with that, I think, are unwarranted. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 101-14 was adopted and S.B. No. 632, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENTAL COURTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 104-14 (S.B. No. 2196, S.D. 2, H.D. 1, C.D. 1):

Senator Gabbard moved that Conf. Com. Rep. No. 104-14 be adopted and S.B. No. 2196, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Nishihara.

Senator Slom rose to speak in opposition to the measure as follows:

"I rise in opposition, and the opposition is primarily because of the creation of the special fund. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 104-14 was adopted and S.B. No. 2196, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING

TO ENERGY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 105-14 (S.B. No. 3099, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 105-14 was adopted and S.B. No. 3099, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 109-14 (H.B. No. 2413, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 109-14 was adopted and H.B. No. 2413, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LABOR,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 117-14 (H.B. No. 1288, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 117-14 was adopted and H.B. No. 1288, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ORDER OF SUCCESSION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Ihara).

Conf. Com. Rep. No. 123-14 (H.B. No. 1702, H.D. 2, S.D. 2, C.D. 1):

Senator Dela Cruz moved that Conf. Com. Rep. No. 123-14 be adopted and H.B. No. 1702, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kidani.

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

“This bill has had a long journey. Basically, it is to provide tax credit for those two businesses on state lands that were on a month-to-month tenancy for a long period of time. I understand helping the businesses and helping them with relocation. The attorney general’s opinion was that had this been a bill for one business only, it would not have passed legal muster. Now, it’s for two businesses.

“The businesses, however, did have adequate time to relocate; there are other areas that they can do so. Probably the expenditures could be reimbursed or an appropriation made rather than a tax credit, which is going to actually result in a larger amount of money that’s going to be paid out. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 123-14 was adopted and H.B. No. 1702, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE CAPITAL INFRASTRUCTURE TAX CREDIT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Slom). Noes, none.

Conf. Com. Rep. No. 128-14 (H.B. No. 2581, H.D. 3, S.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Espero and carried, Conf. Com. Rep. No. 128-14 was adopted and H.B. No. 2581, H.D. 3, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 133-14 (S.B. No. 2609, S.D. 1, H.D. 2, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 133-14 be adopted and S.B. No. 2609, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

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

“Thank you, Madam President. As the employer of over 150 people, no one has more at stake here than I do, specifically and financially. Among businesspeople, it’s often expected that I would oppose this, yet I vigorously support this overdue increase. While I was hoping for more increase sooner, I’m happy that we’re acting this year. Many so-called businesspeople oppose the increase, but that’s not fair. When someone gives their life’s energy to a business as a full-time employee, that employee deserves a living wage in return. The employee is supporting the business and helping it succeed; who else other than the business should support that full-time employee to succeed in the very basics of life – rent, food, medical, living expenses. Business is about people: People take care of the business; the business should take care of its people.

“Some say ‘laissez-faire,’ ‘hands off of business,’ and ‘get government out of business, let the market decide.’ And included in this stance is the ‘personal responsibility’ mantra, but let’s look more closely at that. When a business pays only a subpar minimum wage, the employee turns to government to make up the difference in food stamps and other assistance, and in the worst cases, adds to the homelessness problem. All of these cost the government money. Why shouldn’t a profitable business pay its fair share instead of relying on government subsidy to keep their employees afloat? What about self-reliance for the business?”

“Even the new wage, at its eventual maximum of \$10.10 is not a living wage in Hawai‘i, but the increase will raise the whole pay scale in many cases and is a step in the right direction. We have the highest cost of living in the nation; our minimum wage ought to at least be among the highest also. It’s only fair. Thank you, Madam President.”

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

“Colleagues, 85 percent of Hawai‘i’s minimum wage earners are 21 years and older; 47 percent are women. So it’s not just an equity issue, but it’s also a fairness issue. Two in three tipped workers are women, and one in three tipped workers are parents. According to the Hawai‘i State Commission on the Status of Women, most female minimum wage earners are the sole breadwinners of their families.

“We are all aware that the minimum wage in Hawai‘i has remained at \$7.25 an hour since 2007. Let me offer just a few perspectives on what has happened in the intervening years. In 2007, a monthly bus pass here on O‘ahu was \$40; since then, it’s risen to \$60. In 2007, the *Star-Bulletin*, our paper at the time, reported a half-gallon of milk costing \$2.74; today, it costs \$3.49. In 2008, the *Star-Bulletin* reported a 20-pound bag of rice cost \$7.99; today, it costs \$13.49.

“Raising the minimum wage, I contend, will have a direct, positive impact on Hawaii’s families. Hawaii’s women with children are disproportionately represented in low wage jobs and they are the ones who will gain the most from an increase in the minimum wage. The rate at which the minimum wage would increase is conservative, but it takes crucial steps in the right direction we need in order to move families forward. We need to ensure that as the minimum wage increases, our small businesses can sustain themselves and their employees, who depend on them. I urge my colleagues to join me in voting ‘yes’ on this very important piece of legislation, and I would like to say mahalo to the Judiciary and Labor chair for his leadership in this area.”

Senator Slom rose to speak in strong opposition to the measure as follows:

“This bill probably is the worst bill of the legislative session in terms of creating jobs because it will destroy jobs. It will not increase our economic wherewithal or our ability to pay for higher costs. I regret that the good senator from Puna used the term ‘so-called businesses.’ I don’t know of any so-called businesses; I do know of the businesses that have written to you and to me that have told you what the impact will be if we raise these costs.

“I’ve mentioned before on the Senate floor that as a business owner, not only does the wage go up, but also the employer mandates go up that are based on any wage increases, such as your workers’ compensation insurance, unemployment compensation tax, temporary disability insurance, the matching taxes that you pay, and all of that. So, it’s not just a single amount that goes up.

“I also hear from my colleagues, again, trying to mix a minimum wage – a forced government minimum wage, which has nothing to do with productivity or output – with a living wage. And certainly, all of us would like more money. The question is where does the money come from and what happens when you force that increase? My colleague from Maui just gave us a good recitation on price increases, and we’re all suffering through that. But the price increases came, in large measure, because of bills that this legislature has passed, mandating increases for the very same areas where prices have increased. And we can guarantee you that prices will increase in those areas where minimum wage is actually an issue.

“If we’re using percentages, let’s stick to the facts. Less than 2.5 percent of all workers are minimum wage employees, and of that 2.5 percent, they understand that it is an entry or training wage only, to get your foot in the door. First, you’ve got to have a job. If you do anything right, that minimum wage or that wage goes up and increases. But it can’t go up to what some people would like – \$20 an hour, \$30 an hour, \$50 an hour – without some consequences, and there are tremendous consequences here. So we don’t listen, again, to the business community. We haven’t suggested or passed one bill that’s going to help our business community or create jobs here. Instead, we will hurt the very people that need a foothold and an opportunity to get a job.

“In terms of turning to government, it’s been our desire to make more people dependent on government and to use our largesse so that now we spend more on welfare than we do on public education in the State of Hawai‘i. This will continue not because we have a lower minimum wage; it will continue because we have too much government and we continue to increase it. Thank you.”

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

“First of all, I want to thank my colleagues of the majority, who allowed me the opportunity to go to conference on this

measure and allowed the conferees the opportunity to try to improve the life of the working poor.

“A year ago, the minimum wage did not pass, and in reflecting now, I’m very grateful for that. It was reported accurately that I characterized last year’s inability to pass a minimum wage bill at \$9.25 an hour over three years and a \$1.50 tip credit, as was offered by the House, as ‘a damn shame.’ I was wrong from this point of view. I did not see enough prospectively to even think that today we would have a bill that provides for \$10.10 over four years and a tip credit of \$0.75 over a trigger that makes it nearly impossible, in my own opinion, for employers to pay less than the minimum wage to the small neighbor island restaurants, where tips are hard to come by. And for that creativity, I would like to thank my colleagues in the House for coming up with something as artistic as that. Were it up to me, there would be no tip credit because, as I said earlier, a tip credit is nothing more than a red herring. And if this legislature was fully intended in its desires to provide some kind of financial relief, it would not do so in a tip credit but in a tax credit. That sleight of hand and renaming of creativity to pay the working poor less, most of whom are female, is very unfortunate.

“The fact of the matter is, and I think some people have said kind of jokingly that, well, as a result of going to conference, the net effect is 10 cents. You may recall that on April 2, the House Finance Committee took the House Labor Committee’s recommendation of \$10.10 and reduced it to \$10.00, a difference of \$0.10. And on April 4, I had my staff tape a dime on each of the members’ desks and I said that that dime should stay there to remind us of the working poor. Some people, in my own opinion, saw that as a measure of levity. The fact of the matter is, over those 28 days, that \$0.10 is worth \$22.40 today. And some of you may say, ‘What’s \$22.40?’ Now it’s my turn to laugh. Those of you who say \$22.40 is not much, I wonder if you’re among nearly everyone who pumps their own gas because it’s cheaper to pump your own, self-service, than it is to go to a service station and have them pump your gas for you for an added cost. I wonder how many of us, because we have the means, when we go to the post office we buy forever stamps because by doing so, when the postal service raises the cost of a stamp, we already bought it at a cheaper rate. And how many of us, when the postal service says they’re going to raise the first-class stamp by three cents, takes umbrage. The nerve of the U.S. Postal Service, charging us three cents more. Ten cents may not seem like a lot to many of you. I don’t think the working poor agree with you, if that’s how you feel.

“Many of you, over the years, I have known personally, and I know that many of you have come from working families. Some of you got your meat from a can, just like me – not from a cellophane package, but from a can of Vienna sausage or Spam or corned beef. And that’s why, in large part, many of us have the same illnesses – because that’s the meat that we could afford.

“Because of many of you on the floor, I was provided the opportunity to take a conference committee and try to make it better for the working poor. It may not be what we may have wished it to be, but there is no denying it is better than it was before we went to conference. And for that, I am eternally grateful to all of you, and the reason is that’s our job: to make life better.

“The previous speaker said – or implied, or alluded to, or gave the impression – that raising the minimum wage will raise the cost of everything. That suggests that lowering the minimum wage would lower the cost of everything! And if that is true, somebody needs to explain how it is that, while the minimum wage hasn’t been increased, the State of Hawai‘i enjoys the number one position for the cost of a hotel room rate in the nation. The fact of the matter is when not raising the

tourist tax – which, some would argue, myself included, that it should be attached to an index – that the hotel room rate would stay the same. But in fact, the hotels have enjoyed a windfall and today, they’re wondering where it is that cuts need to be made to bring more tourists to Hawai‘i. The cost will go up regardless of whether minimum wage is imposed by law, as it should be, or whether this bill dies today. That’s a fact.

“For seven years, the working poor have not enjoyed an increase. Every one of you and I have enjoyed an increase; we all know that. Labor unions have enjoyed an increase. But for 40 percent of the lowest working poor, who are homeless, they have been working at \$7.25 an hour.

“Every year, we have the opportunity and the privilege to make the lives of others better. While I would not argue that some of you would say that opportunity is embraced by the state budget, I would say to you humbly, just like S.B. No. 1 during special session, this measure moves the paradigm for working people and has the opportunity to allow them to enjoy life a little bit easier than they have done so up to now. So for those remarks and, again, the opportunity to take this bill to conference, I want to thank those of you who allowed me this. Thank you very much.”

Senator Ruderman rose to speak in rebuttal as follows:

“I rise to briefly address a couple of the remarks from my colleague from Hawai‘i Kai. To correct, I had mentioned ‘so-called businesspeople,’ not ‘so-called businesses.’ And the other comment I wanted to correct was the idea that the minimum wage is only an entry-level wage and can’t be expected to be a living wage. Over the weekend, my partner and I visited her former workplace, which is a fast food restaurant. I don’t need to name it; they’re probably all similar. She was speaking to one of her colleagues, who’s been there for seven years. The colleague has had several promotions and good reviews. After seven years, the colleague is earning \$8.50 an hour at a fast food restaurant. So, I challenge the notion that the minimum wage is entry-level only and is not expected to be a living wage. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 133-14 was adopted and S.B. No. 2609, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MINIMUM WAGE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 135-14 (S.B. No. 2478, H.D. 2, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 135-14 be adopted and S.B. No. 2478, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Baker rose to request that action on Conf. Com. Rep. No. 135-14 and S.B. No. 2478, H.D. 2, C.D. 1 be deferred until later on the calendar, and the Chair so ordered.

By unanimous consent, action on Conf. Com. Rep. No. 135-14 and S.B. No. 2478, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” was deferred until later on the calendar.

Conf. Com. Rep. No. 143-14 (H.B. No. 1652, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 143-14 and H.B. No. 1652, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HIGHER EDUCATION,” was deferred until Thursday, May 1, 2014.

Conf. Com. Rep. No. 145-14 (H.B. No. 1671, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Kahele, seconded by Senator Espero and carried, Conf. Com. Rep. No. 145-14 was adopted and H.B. No. 1671, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Taniguchi). Noes, none.

Conf. Com. Rep. No. 7-14 (S.B. No. 2589, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator English, seconded by Senator Espero and carried, Conf. Com. Rep. No. 7-14 was adopted and S.B. No. 2589, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 9-14 (H.B. No. 2251, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 9-14 was adopted and H.B. No. 2251, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AND MORTGAGE PROGRAM,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 23-14 (H.B. No. 2448, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Ige and carried, Conf. Com. Rep. No. 23-14 was adopted and H.B. No. 2448, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 36-14 (H.B. No. 2213, H.D. 1, S.D. 1, C.D. 1):

Senator Green moved that Conf. Com. Rep. No. 36-14 be adopted and H.B. No. 2213, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

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

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

“Madam President, I rise in strong support of HB2213, CD1 – Relating to West Maui Hospital.

“This measure authorizes the issuance of special purpose revenue bonds (SPRBs) to assist West Maui Hospital Foundation, Inc. to establish a community-based hospital including long-term care, assisted living and medical office space in West Maui. Such a medical complex anchored by a critical access hospital is a top priority for the community. With West Maui’s aging resident population increasing along with an increasing visitor population, the completion of this medical and hospital complex is timely in order to handle related emergency and health and long-term care needs.

“The critical access hospital will complement the tertiary, acute and emergency care provided at Maui Memorial Medical Center. It will also provide peace of mind if the only road to the other side which is around the pali is blocked by fire or landslides.

“In addition, the Maui Island plan calls for ‘immediately developing a critical access hospital’ as well as documenting the ‘need for long-term care beds’ in the region as ‘particularly acute.’ The West Maui community anxiously awaits completion of this project. The SPRBs may well give the project the financial boost it needs in order to break ground.

“Mahalo to Ways and Means for green-lighting this measure. I ask my colleagues to join me in supporting HB2213, CD1. Mahalo.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 36-14 was adopted and H.B. No. 2213, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO A WEST MAUI HOSPITAL,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 48-14 (S.B. No. 2472, S.D. 2, H.D. 3, C.D. 1):

On motion by Senator Green, seconded by Senator Baker and carried, Conf. Com. Rep. No. 48-14 was adopted and S.B. No. 2472, S.D. 2, H.D. 3, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPY PRACTICE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 59-14 (H.B. No. 1942, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Gabbard, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 59-14 was adopted and H.B. No. 1942, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST WITH THE PLANNING, DESIGN, CONSTRUCTION, EQUIPPING, LAND LEASES, AND OTHER TANGIBLE ASSETS FOR A RENEWABLE ENERGY PROJECT WITH ENERGY STORAGE TECHNOLOGY ON THE ISLAND OF MOLOKAI,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 71-14 (H.B. No. 2598, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 71-14 was adopted and H.B. No. 2598, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HAWAII 3R’S,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 73-14 (H.B. No. 2509, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Gabbard, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 73-14 was adopted and H.B. No. 2509, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION TO ASSIST COMMUNITIES WITH THE REMOVAL OF MOTOR

VEHICLE TIRES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 74-14 (H.B. No. 1951, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Gabbard, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 74-14 was adopted and H.B. No. 1951, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST SEAWATER AIR CONDITIONING PROJECTS ON OAHU,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 75-14 (H.B. No. 2003, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Espero and carried, Conf. Com. Rep. No. 75-14 was adopted and H.B. No. 2003, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CYBERSECURITY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 78-14 (H.B. No. 2051, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Wakai, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 78-14 was adopted and H.B. No. 2051, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC WORKS OF ART,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 79-14 (S.B. No. 3093, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 79-14 was adopted and S.B. No. 3093, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII AT HILO,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 84-14 (S.B. No. 2308, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Espero and carried, Conf. Com. Rep. No. 84-14 was adopted and S.B. No. 2308, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHILDREN,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 85-14 (S.B. No. 2057, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 85-14 was adopted and S.B. No. 2057, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE NURSING FACILITY SUSTAINABILITY PROGRAM,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 86-14 (S.B. No. 2345, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Baker and carried, Conf. Com. Rep. No. 86-14 was adopted and S.B. No. 2345, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INVESTOR EDUCATION PROGRAM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 91-14 (H.B. No. 648, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 91-14 was adopted and H.B. No. 648, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 110-14 (H.B. No. 2152, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Espero, seconded by Senator Kouchi and carried, Conf. Com. Rep. No. 110-14 was adopted and H.B. No. 2152, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION SYSTEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 114-14 (H.B. No. 2293, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Green, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 114-14 was adopted and H.B. No. 2293, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOSPITAL SUSTAINABILITY PROGRAM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 119-14 (H.B. No. 2246, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Green, seconded by Senator Espero and carried, Conf. Com. Rep. No. 119-14 was adopted and H.B. No. 2246, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 120-14 (H.B. No. 1712, S.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 120-14 was adopted and H.B. No. 1712, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 121-14 (H.B. No. 1514, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Gabbard and carried, Conf. Com. Rep. No. 121-14 was adopted and H.B. No. 1514, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 124-14 (H.B. No. 2037, H.D. 1, S.D. 1, C.D. 1):

Senator Green moved that Conf. Com. Rep. No. 124-14 be adopted and H.B. No. 2037, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland.

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

The Chair having so ordered, Senator Baker's remarks read as follows:

"Madam President, I rise in support of HB2037, CD1 – Relating to Project Kealahou.

"This measure ensures continued funding of Project Kealahou within the Child and Adolescent Mental Health Division of the Department of Health. Project Kealahou provides tailored intervention to the unique psychosocial and interpersonal characteristics of girls, who are at greater risk than boys for sexual abuse, running away, truancy, suicide, prostitution, and further victimization.

"We are responsible to ensure that all our keiki are cared for and provided with the tools that will help them develop into strong, well-adjusted members of society. Project Kealahou has been doing this meaningful and important work for young women. The funding in this measure will enable them continue their great work with girls and young women.

"Colleagues, please support HB2037 with me, by voting yes. Mahalo."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 124-14 was adopted and H.B. No. 2037, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROJECT KEALAHOU," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 126-14 (H.B. No. 2094, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Baker and carried, Conf. Com. Rep. No. 126-14 was adopted and H.B. No. 2094, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOME CARE LICENSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 130-14 (H.B. No. 2363, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Espero, seconded by Senator Kouchi and carried, Conf. Com. Rep. No. 130-14 was adopted and H.B. No. 2363, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 137-14 (S.B. No. 2581, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Espero, seconded by Senator Dela Cruz and carried, Conf. Com. Rep. No. 137-14 was adopted and S.B. No. 2581, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUILDING CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 138-14 (S.B. No. 2583, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Espero, seconded by Senator Kouchi and carried, Conf. Com. Rep. No. 138-14 was adopted and S.B. No. 2583, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION SYSTEMS AND NATIONAL AERONAUTICS AND SPACE ADMINISTRATION LASER COMMUNICATIONS GROUND STATION INITIATIVE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 139-14 (S.B. No. 2315, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Espero, seconded by Senator Kouchi and carried, Conf. Com. Rep. No. 139-14 was adopted and S.B. No. 2315, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE SUBSTANCE ABUSE TREATMENT SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 147-14 (H.B. No. 1638, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Ige and carried, Conf. Com. Rep. No. 147-14 was adopted and H.B. No. 1638, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

THIRD READING

MATTER DEFERRED FROM MONDAY, APRIL 21, 2014

Stand. Com. Rep. No. 3393 (H.B. No. 1716):

Senator Ige moved that Stand. Com. Rep. No. 3393 be adopted and H.B. No. 1716, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

"Colleagues, please indulge me a little history so you'll understand the context of this important legislation. In 1961, Joseph F. Rock, a prominent botanist and horticulturist, introduced miconia at Wahiawa Botanical Garden as an ornamental, and it was traded among gardeners. In my mind's eye, I can see all the plant aficionados gathering at Mr. Rock's lanai, sipping mai tais and gushing over the beautiful plants

with their distinctive purple leaves. Fast forward some 50 years later and we're now spending millions of dollars trying to eradicate miconia before it destroys our watershed. In Tahiti, miconia has overwhelmed over two-thirds of their forests and is directly responsible for threatening 25 percent of their native forest species with extinction.

"A 2010 study by Shwiff found that if brown tree snakes were introduced to Hawai'i, the cost to the state in lost tourism, health costs, and damage to the power infrastructure could total \$2.14 billion a year. So far, we've been lucky this little critter has not taken up residence yet.

"So with that, colleagues, it's truly something to celebrate that this joint majority package bill has gotten to this point unamended, and that we as a collective legislative body are putting the people's money where our mouths are to fight invasive species. This \$5 million appropriation is the first step and it's a huge plus because it will allow us to put more resources toward entomological expertise identifying alien species and also put more boots on the ground for surveying and control.

"Madam President, when you gave us our homework assignment over the last interim, I had no idea where I would end up with my project. And after visiting with the counties and seeing the tremendous and crucial work that each of the invasive species committees are doing, I learned firsthand about the devastation that invasive critters and plants are wreaking on our island paradise and the lack of financial support by government for their incredibly important work.

"I don't want to point fingers at who may or may not be at fault for the introduction and spread of different species, whether it be little fire ants, coconut rhinoceros beetles, coffee berry borer beetles, macadamia felted coccid, coqui frogs, varroa mites, or miconia. The fact is that these invasive species are here and are having a devastating impact on our economy, our environment, and our way of life. Department of Ag Director Scott Enright says that there are at least 20 new invasive species that arrive in Hawai'i each year. For example, this past December 23, 119 adult coconut rhinoceros beetles and 250 larvae and 16 pupae were found near the Hickam Air Force Base golf course. These critters can devour the crown and kill coconut palms and other palm species. So how do they get here? One entomologist suggested to me they might have gotten here by hiding in wheel wells of jets as the planes approach Honolulu International Airport, getting ready to land. The wheels come down and there they go, descending onto the 'Ewa plain and elsewhere. Others think that they may have hitched a ride on pallets aboard incoming cargo planes.

"The point is we don't know, but we need to know; we have to know, so we can do all we can to prevent future unwanted critters from taking up residence in Hawai'i nei. That's why it's imperative that we scrutinize each invasive species and find out how and why they were introduced in order to determine the proper protocols to deal with each of them. Going forward, we as a legislature need to make sure we are dedicating the necessary fiscal resources so that we can equip the Department of Ag and the Department of Transportation with the tools that they need to wage this fight. And we also have to be sure that those who are tasked with the responsibility for protecting Hawai'i nei do so with the utmost care because dropping the ball on this will cause lasting damage to our islands. H.B. No. 1716 shows our renewed commitment to addressing this incredibly important issue.

"Now that I know the problems with invasive species, I already know what my next homework assignment will be during the next interim, Madam President. I'll be working with the departments and stakeholders to come up with solutions, such as measures to improve the prevention, control, and

eradication of invasive species. Colleagues, I ask for your support on this very important bill. Mahalo.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3393 was adopted and H.B. No. 1716, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INVASIVE SPECIES PREVENTION, CONTROL, OUTREACH, RESEARCH, AND PLANNING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 12:45 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:39 p.m.

FINAL READING

Conf. Com. Rep. No. 60-14 (H.B. No. 2543, S.D. 1, C.D. 1):

Senator Nishihara moved that Conf. Com. Rep. No. 60-14 be adopted and H.B. No. 2543, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Gabbard.

Senator Slom rose to speak in opposition to the measure as follows:

“I had raised questions about this company prior to this. This bill would allow the issuance of up to \$50 million in special purpose revenue bonds for the BioTork corporation. I’d asked for more information about the company several months ago. I’ve gotten all of the research that I can get about the company, and you know, I still don’t know much more about it. I do know that it’s a Delaware company, an LLC. I do know that it operates in Florida. I do know that its first presence in Hawai‘i was January of this year. I don’t know of any past actual experience that they’ve had in turning agricultural waste into biofuels. I’ve seen their testimony. I’ve seen their website, which is the website of the national corporation, not Hawai‘i.

“And so, you know, I look at some of the things that we’ve been involved with in the past, and we get all enamored because the theme here is ‘biofuel,’ and I think we can all support and believe in biofuel. But I think we should be more circumspect in companies that we give an endorsement to, and unless somebody can give me more information here, as I say, I’m voting ‘no’ on the bill. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 60-14 was adopted and H.B. No. 2543, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST BIOTORK HAWAII LLC,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Thielen). Noes, 1 (Slom). Excused, 1 (Hee).

Conf. Com. Rep. No. 82-14 (S.B. No. 3065, S.D. 1, H.D. 1, C.D. 1):

Senator Dela Cruz moved that Conf. Com. Rep. No. 82-14 be adopted and S.B. No. 3065, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Solomon.

Senator Slom rose to speak in opposition to the measure as follows:

“You know, we’ve talked about this and other land exchanges over the years, and I think that the problem that I have with this: I don’t have a problem with an actual land exchange. I have a problem with we’re going to spend another \$550,000 to investigate the possibility of the land exchange, and

then we would have untold millions of dollars for the land exchange. And the state seems to be hell-bent on buying lands that it cannot take care of and really can’t afford. So, I think that we need to have more information and less expenditure before we go ahead with this project. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 82-14 was adopted and S.B. No. 3065, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LAND EXCHANGE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Hee).

Conf. Com. Rep. No. 87-14 (S.B. No. 2470, S.D. 1, H.D. 1, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 87-14 be adopted and S.B. No. 2470, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

Senator Slom rose to speak in strong opposition to the measure as follows:

“The Hawai‘i Health Connector has been nothing short of a major financial disaster, and yet the major financial disaster that’s coming, if we continue to allow this connector, is going to be even worse. As I mentioned previously, publicly, we had the prepaid health insurance measure in Hawai‘i since 1974. I was not a supporter of the measure because I don’t like any mandates, but it worked and it worked well. And now we have the health connector, which is yet another area of bureaucracy in between individual consumers and the purchase of insurance. And as we’ve seen from Obamacare, or the so-called Affordable Care Act, which has turned out not to be affordable, we find out that the President did not keep his promise. People were not able to retain their doctors; they were not able to retain their current health care plans; and their premiums did not go down in most cases – in most cases, they went up. In the cases where premiums went down, it’s because of government subsidy.

“This health care connector has been a financial disaster from the beginning, and those of us that raised questions about it from the beginning have not gotten answers. The previous executive director resigned earlier without answering questions of legislative committees in both the House and the Senate. The current interim executive director has provided information, but only partial statistics as to how the connector is working. The overall success rate is approximately 6,000 people at a federal government cost of \$204 million, and now the health connector is seeking additional state funds and state regulation.

“The point, in fact, is they do not have a business plan that works. They have not had a success rate. They have not added any more major people to the rolls other than people that had lost their existing insurance. The interim director said that he needs more money and that the state should support the health connector to ‘buy them time,’ so that they could look into future changes. The fact of the matter is they’re incapable of making the changes because it is an economic plan that cannot work. For this legislature to continue to support this particular connector and anything that’s involved with it is going to detrimentally impact our taxpayers and our citizens and give them false hope that, in fact, we’re going to see our insurance improve and our premiums decline. Thank you.”

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

“Thank you, Madam President. In support, just in defense: I think the Consumer Protection chair did a very good job paring down our responsibility. There have been challenges, there’s no question, but in support of our Prepaid Health Act, that’s the

reason that we move forward with the bill and I think that that is reason to pass this measure. So, thank you, Madam President.”

Senator Baker requested that remarks in strong support of the measure be entered into the Journal, and the Chair so ordered.

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

“Madam President, I rise in strong support of **SB2470 CD1**.

“I would like to thank my co-chairs from the Senate and the House on the collaborative effort that resulted in this CD1. SB2470 CD1 is significant legislation for the people of Hawai‘i to be able to move forward with the Affordable Care Act as well as preserve Hawai‘i’s Prepaid Health Care law. Here are some of the key provisions of this measure: restructures the Board, establishes a Legislative Oversight Council, requires the Connector board to submit of a sustainability plan to the Oversight council, and appropriates funds and well as creating additional funding opportunities to keep the Connector moving forward.

“Adopting this measure will ensure that the people of Hawai‘i reap the benefits of both the ACA and Hawai‘i’s Prepaid Health Care law. Without this measure, Hawai‘i will be subject to the Federal Connector which cannot accommodate the provisions of our Prepaid Health Care law. Thus we’d lose decades of work that has enabled Hawai‘i to have one of the lowest uninsured populations in the country. The employer mandate of Prepaid is far superior to the individual mandate of ACA.

“An important element that will help to be part of the success of the Connector is the restructuring of the Connector’s board of directors. This change will accomplish greater efficiency of operation, improve transparency, and will allow for the Connector to more easily comply with the many federal requirements of the Affordable Care Act.

“This measure also creates a legislative oversight committee. This committee will help to review long range institutional and fiscal planning. The Connector will also be required to provide reports including specific efforts to reduce costs related to contracted services and other actions. With this effort there should be great progress in cementing the Connector’s sustainability.

“It is imperative that we honor the profound effort that the Legislature, Health Connector and the many other stakeholders have poured into this measure. It is truly been a collaborative effort. Continuing to enable Prepaid Health Care to operate in this state is a priority. Too many people have worked too long to provide all the people of Hawai‘i with healthcare to let us lose choice and become solely managed by the federal exchange without the provisions of Prepaid. The federal exchange has been plagued with more technical glitches than Hawai‘i’s Health Connector and the federal exchange does not have all the functionality that HHC does.

“I humbly ask my colleagues to consider what losing the Connector would mean to the people of Hawai‘i. We cannot let the people down who look to the Connector for comparison shopping for health insurance, to access tax credits and to be assured that quality plans are available to them and through their employers. We must ensure that Hawai‘i continues to be a leader in health care delivery and innovation to assist all of Hawai‘i’s people.

“Colleagues, please join me to vote yes on this measure and send it to the Governor for his signature. Mahalo.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 87-14 was adopted and S.B. No. 2470, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE

HAWAII HEALTH CONNECTOR,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Gabbard, Slom).

Conf. Com. Rep. No. 88-14 (S.B. No. 702, S.D. 2, H.D. 2, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 88-14 be adopted and S.B. No. 702, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Wakai.

Senator Slom rose to speak in opposition to the measure as follows:

“I fully support the intent of the bill and what the bill is supposed to do, as I testified in Ways and Means, but I must oppose the bill because it does add a new special fund. I had asked for just a direct appropriation. If we really want to protect our children, if we really want to go after Internet child abusers, then we should make this a priority and we should have a direct appropriation. We don’t need a separate fee and a separate new special fund. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 88-14 was adopted and S.B. No. 702, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHILD ABUSE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 93-14 (H.B. No. 1931, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 93-14 was adopted and H.B. No. 1931, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 99-14 (S.B. No. 2346, S.D. 1, H.D. 2, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 99-14 be adopted and S.B. No. 2346, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kidani.

Senator Chun Oakland requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

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

“I rise in strong support of Senate Bill No. 2346, S.D. 1, H.D. 2, C.D.1.

“This measure demonstrates much needed support for our kupuna. The funding in this bill is essential to maintaining the health and welfare for our most vulnerable seniors and their caregivers. Supporting our elderly residents is especially important in Hawai‘i, as the elderly comprise the fastest growing segment of the State’s population.

“The Legislature finds that the federal Older Americans Act was established in 1965 in response to policymakers’ concerns about a lack of community social services for aging individuals. Elders who are medicaid eligible are not prohibited from receiving services under the Older Americans Act, but the State

may not require programs under the Older Americans Act to fund benefits that can be funded by medicaid.

“Hawaii’s kupuna care program was established in 1999 with a mission to help frail and vulnerable older persons lead independent, meaningful and dignified lives in their own homes and communities. The executive office on aging is responsible for coordinating and administering both federal Older Americans Act and state kupuna care funds. The executive office on aging has issued kupuna care guidelines which include eligibility criteria as follows:

- 1) United States citizen or qualified alien;
- 2) Sixty years of age or older;
- 3) Not covered by any comparable government or private home and community based care services;
- 4) Not residing in an institution, such as an intermediate care facility, skilled nursing facility, hospital, foster family, or adult residential care home; and
- 5) Having impairment of at least two activities of daily living, instrumental activities of daily living, or substantive cognitive impairment; and an unmet need of at least one or more activities of daily living, or one or more instrumental activities of daily living.

“The target population for Older Americans Act and kupuna care services is older adults who are low-income, minorities, non-English speaking, frail, or live in isolated or rural communities. Both funding sources are meant to address social issues. Medicaid, on the other hand, is meant to address medical issues.

“The executive office on aging and MedQuest division of the department of human services continue to work on integrating home and community based services to ensure that there is no gap in services for any elder individual. However, until full service integration occurs, there remains a gap in services for medicaid eligible individuals for whom services comparable to kupuna care and Older Americans Act services are inaccessible because they are not offered under medicaid.

“I fully support the Attorney General’s interpretation of the kupuna care guidelines that individuals who are eligible for Medicaid are also eligible for kupuna care services as long as they are not receiving a comparable or similar service under Medicaid. Non-medical transportation, non-medical assisted transportation, and case management are examples of important services for our kupuna that Medicaid does not cover but individuals can receive under kupuna care.

“The Legislature finds that aging individuals who qualify for medicaid are eligible for kupuna care and Older Americans Act services when there are no comparable medicaid services available.

“The Legislature further finds that the aging population in Hawai‘i, similar to the rest of the United States, is rapidly increasing as more and more residents born during the baby-boom era of 1946-1964 turn 60 years of age. Between 1980 and 2010, the number of adults in Hawai‘i over the age of 60 grew by 139.8 percent, eclipsing the growth of the general population, which increased by 34.2 percent during the same period. The increase in the number of adults in Hawai‘i over the age of 85 during this period is even more extreme at 431.5 percent. In addition, it is projected that Hawai‘i’s adult population over the age of 60 will comprise 29.7 percent of the total population or one out of three people by 2035.

“The significant increase in Hawai‘i’s elderly population and the concomitant increase in demand for services, particularly those that allow for aging in place, will require an ongoing

commitment to ensure that Hawaii’s kupuna are adequately cared for.

“The most successful programs for aging-in-place recognize and build upon integrated health and social services.

“Senate Bill 2346, CD1, provides \$4.2 million to fund the Kupuna Care program and, along with the \$4.8 million found in the base budget of the Executive Office on Aging in House Bill 1700, allocates a total of \$9 million to support community-based programs that incorporate collaborations between health care and social service agencies to provide services necessary for the health and well-being of Hawaii’s kupuna.

“These funds for fiscal year 2014-2015 will be distributed to the area agencies in the four counties. The kupuna care funding will be used to provide long-term care services to aging individuals 60 years and older, including those who are Medicaid eligible but who require services for which there are no comparable Medicaid services available.

“The bill also appropriates \$1,900,000 for the four county aging and disability resource centers, Hawaii’s one-stop shop for our elders and disabled people; \$476,772 for the healthy aging partnership program of the Department of Health’s Executive Office on Aging; and \$500,000 for a public awareness campaign educating the public about long term care and critical issues facing individuals and families in Hawai‘i.

“I would like to thank Executive Office on Aging Administrator Wes Lum and his staff, the directors of the four county area offices on aging, the many providers of services, the advocate groups, and our kupuna for their wisdom and for helping me and other legislators understand the complexity and invaluable work that is done daily to care for our elders.

“Mahalo colleagues for making this a top priority this session and being so supportive all these years.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 99-14 was adopted and S.B. No. 2346, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AGING,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 102-14 (S.B. No. 2054, S.D. 3, H.D. 3, C.D. 1):

Senator Green moved that Conf. Com. Rep. No. 102-14 be adopted and S.B. No. 2054, S.D. 3, H.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

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

“Thank you, Madam President. I will not speak on many bills today, but I just wanted to very briefly say, I want to thank our colleagues for passing this bill. This is the actuarial study now for autism spectrum disorders. I will say this: We were very close to passing a bill this year which would provide insurance for all families who have children with autism. One in sixty-eight children, now, that are born are affected by this disorder. It’s common. It’s prevalent in society to the extreme, and we don’t take care of these families. For those of you who weren’t on the conference committee or in those committees, this is the kind of thing: We had a little boy who we’ve been seeing for the last 10 years. We’ve seen him since he was about 3 years old – now he’s, I think, 13. His name’s Luke. He came and he put this on my desk afterwards. And I want to just be frank: I really feel strongly that we let this boy down.

“We do a lot of things here. It’s complicated, and we have challenges upside down, right and left. But this is one that I feel

so strongly about, that we have to, at some point, set aside all of our other concerns. We look at the costs, and that's why I'm glad we're doing the actuarial study. We will know next year how much it's going to cost to cover these children. But some things just have to be done. Forget Republican or Democrat or those who we work with on other issues – we have to provide coverage for families because they just can't provide adequate care for their children.

“So, please, colleagues, come back next year, whoever's here; pass the full bill. The cost will be absorbed by society, but that's the way we have to take care of those we love, and these are people that we love, especially if you've been in these conference committees and these hearings. So please remember this next year and please go all the way, past the finish line, and win for these children. Thank you, Madam President.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 102-14 was adopted and S.B. No. 2054, S.D. 3, H.D. 3, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 103-14 (S.B. No. 2866, S.D. 1, H.D. 1, C.D. 1):

Senator Green moved that Conf. Com. Rep. No. 103-14 be adopted and S.B. No. 2866, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

Senator Slom rose to speak in opposition to the measure as follows:

“As I've argued previously, emergency appropriations for the hospital association is continuing to throw good money after bad. We continue to subsidize a failing operation. We spend more than \$100 million a year. We have these special bailout emergency appropriations for, what is it, for unspent or uncollected bills and for more collective bargaining to bail out Kaua'i. When is this going to end? We had a bill to transform the Hawai'i hospital association; that bill did not pass this year. No changes have been made. As long as they know that they can come back to the Legislature, the taxpayers, for more money, there is no incentive to change or improve or to live within their means. Thank you.”

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

“Thank you, Madam President. I rise in strong support of this measure and take great exception to the mischaracterizations by the Minority Leader on the hospitals. It's not a hospital association; it's the Hawaii Health Systems Corporation. It was created by the Legislature. It's primarily neighbor island hospitals, and I believe that neighbor island individuals and residents deserve the same high quality care and access to services and treatments that folks on the larger populated island do. And I think it's unfortunate that the efforts that we've made in the past have met with inadequate funding. There are not economies of scale in the hospitals, and I think that's always going to be the case because the populations that they serve are much smaller. There's a higher incidence of folks on Medicaid, Medicare, and uncompensated care. We cannot turn those folks away. We have an obligation.

“I, too, am sorry that the framework didn't pass, but I know that, even absent that framework, which will be necessary if we're to transition to a new model of management for the hospitals, we will continue to work in the interim. I appreciate the effort that the Health chair made in conference to try to move it along. I appreciate what the Health chair on the House side did to try to move it along. There are some very thorny

issues and some very difficult issues that we on the neighbor islands will continue to struggle with and ask for the support and assistance of our friends and colleagues here on O'ahu. We cannot get away from the fact that hospital service is essential. If the hospitals on the neighbor islands go down, the hospitals on O'ahu will not be able to pick up the slack; and I don't think anybody on this floor, Republican or Democrat, wants to deny people quality health care.

“I appreciate that we need to do some streamlining, that we need to make some changes in our structure. It is time. We took, many years ago, back in the late eighties, the community hospitals and part of the Department of the Health and moved them to HHSC. We need to make that additional transition out of that model to another one. It will take everybody's care and effort, but we need to move this measure forward because we need to make sure that our hospitals are there, providing services for all of our residents and visitors. Mahalo.”

Senator Slom rose to speak in rebuttal as follows:

“The issue here and the argument is not for care of people; there's no argument that we need to provide the best care. The argument, really, is not even O'ahu versus neighbor islands. The issue and the argument is whether we will continue to subsidize and bail out a failing organization that fails to make changes. And in the past, when we've given extra money, that money was used for bonuses for the administrators and for the executives of the hospitals. This money now is primarily for labor unions and for bills that have not been paid. That really is the issue, and we've got to wise up and we've got to spend the taxpayers' money better. And if we want quality medical control, then what we have to do is look at some of the other expenditures we make and decide that this should be more of a priority. But we can't continue the level of subsidy year after year after year and saying, 'Now is the time for change,' and we've had no change in 15 years. Thank you.”

Senator Baker rose to speak in rebuttal as follows:

“Madam President, with the indulgence of my colleagues, I cannot let some of the previous speaker's statements stand.

“Hospitals, by their very nature, are labor intensive. That's really what you're paying for: you're paying for doctors, nurses, technicians, as well as the appropriate equipment to make those diagnoses. Yes, I do agree that we need to make some changes in the structure, but you cannot let the services fall; you cannot afford not to pay vendors so that you have the equipment and the supplies and all of the things that it takes to run a hospital.

“Medical costs in this state are rising higher and higher. We are allowing people to go to emergency rooms, the most expensive care, rather than going to their primary care or to a clinic during regular hours. That's just the nature of health care. And as long as there's no way to curb the costs of rising health care, whether it's through salaries or vendors or other services that the hospital has to provide, I think it's incumbent upon us to continue to work with our Hawaii Health Systems Corporation to find the ways that they can streamline, find the ways that they can improve their services – perhaps at a lesser cost – but understanding that a lot of these costs are costs that they have no control over. They don't bargain for their employees; it's bargained by others – the governor being the chief bargainer – and when an agreement is reached, the Health Systems Corporation is obliged to pay for those services. I don't think that we want to balance a budget or balance the expenses of the hospital on the backs of the nurses, the techs, and the docs that have to provide the services, and our citizens deserve nothing less than the very best that we can provide them. Thank you.”

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

“On April 14, a meeting was held at Kauai Veterans Memorial Hospital (KVMH) in West Kaua’i. During this meeting, the administrator told all of the employees – that included doctors, nurses, janitors, cafeteria staff – that unless substantial changes were made, current operations could not continue because of insufficient funds. Back in October of last year during the special session, a promise was made to fill all of the beds to be more economically viable; and in spite of filling all of those beds, they were still falling short of their budget.

“On Good Friday, when I was back home, I walked into the hospital, knowing that somebody would be on duty, and just started talking to employees. One of the doctors that I spoke to that day is an emergency room doctor and the doctor said that his group came forward to the CEO and said they would take a pay cut to try and help some of the goals that they’re attempting to meet. So I can’t speak for other hospitals, but I can certainly say that the \$15 million proposed in this bill, when Kaua’i applies the formula to what they’ll actually get, is still not sufficient for their needs. And so those changes that are being talked about are, in fact, being implemented and being sought on Kaua’i. Otherwise, they will still not be able to keep their doors open. And so, I think I’d be remiss if I didn’t stand up and speak on behalf of the hospitals in my district and express the changes that they’re going through, what they’re hoping to try to restructure and accomplish, so that they can continue to deliver medical services in our rural community. Thank you.”

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

“Thank you, Madam President. Just for a little perspective, in support: Yes, I do think it’s important for us to pass something similar to our legislation that we discussed this year, which was S.B. No. 3064, and that it’s going to take compromise and partnering to get that done. But for perspective, we’re talking about a \$15 million emergency appropriation; this year, we’ll spend \$9 billion on healthcare in the State of Hawai’i. That’s the all-in: \$9 billion. So, we’re all pretty savvy here about money; \$15 million to keep these hospitals afloat is important and it’s \$9 billion that’s spent statewide, number one.

“Number two, though there are concerns about cost and we should run a good system, a tight ship, and so on, I want to reiterate the points that were made about the way the structures of hospitals are. Seventy percent of those who go to our safety net hospitals have Medicare or Medicaid. Those are really, really low reimbursements from the state and the federal government for services rendered to keep our relatives alive. So, that is the main reason that it’s very difficult to provide for enough money to be in the black for these hospitals.

“We will continue to work on reforming the system; I take to heart those comments. I thought we were there this year. The last little wrinkles can get taken care of and I hope that next session, we’ll be able to pass that legislation. But please keep these things in perspective. Thank you, Madam President.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 103-14 was adopted and S.B. No. 2866, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE HAWAII HEALTH SYSTEMS CORPORATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 107-14 (S.B. No. 2073, S.D. 1, H.D. 1, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 107-14 be adopted and S.B. No. 2073, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

Senator Slom rose to speak in opposition to the measure as follows:

“Thank you, Madam President. I’ll be voting ‘no’ on this bill and the following bill. Both of them are collective bargaining items; both of them saw increases from the original amounts and original estimates. This particular bill will add \$15.5 million over the next two fiscal periods. The next bill will add \$27.3 million over the next two fiscal periods. Again, when we’re looking at everything in total, we have to prioritize what our expenditures are for and we have to get our costs in order. These bills do not do that. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 107-14 was adopted and S.B. No. 2073, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 108-14 (S.B. No. 2074, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Ige and carried, Conf. Com. Rep. No. 108-14 was adopted and S.B. No. 2074, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 112-14 (H.B. No. 1752, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Green and carried, Conf. Com. Rep. No. 112-14 was adopted and H.B. No. 1752, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 125-14 (H.B. No. 2053, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Green and carried, Conf. Com. Rep. No. 125-14 was adopted and H.B. No. 2053, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AGING,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 127-14 (H.B. No. 2224, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Green, seconded by Senator Espero and carried, Conf. Com. Rep. No. 127-14 was adopted and H.B. No. 2224, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO GROUP HOMES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Thielen). Noes, none.

Conf. Com. Rep. No. 129-14 (H.B. No. 849, H.D. 2, S.D. 2, C.D. 1):

Senator Espero moved that Conf. Com. Rep. No. 129-14 be adopted and H.B. No. 849, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hee.

Senator Slom rose to speak in opposition to the measure as follows:

“As I’ve stated previously, this bill gives broad and expanded powers, not only to the governor, but also to the mayors of the counties for what they deem to be a crisis, an emergency. They allow for the entering of private property and homes. They allow for determining whether or not people are hoarding certain goods or commodities. They allow for seizing that property. This bill is far-overreaching. It is much too broad and too vague. It also has an appropriation. I wish that more of my colleagues and other outside agencies that always champion privacy and the invasion of rights would have given more consideration to this bill, but I’m voting ‘no.’ Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 129-14 was adopted and H.B. No. 849, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EMERGENCY MANAGEMENT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 131-14 (S.B. No. 2246, S.D. 2, H.D. 2, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 131-14 be adopted and S.B. No. 2246, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

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

“This is our annual bill of claims against the state. Every year, it continues to increase during the legislative session. This year’s probably lower than it has been in many areas, but that doesn’t mean that there aren’t areas that we can do better. And in fact, the state is still looked upon as deep pockets by many in the legal profession and many people who know better but get into trouble or violate signage laws or kapu laws, and then they get injured and they still sue the state. And the state has taken the position that oftentimes it is easier and more economical to pay off people rather than go through the legal costs of the full action, and I concur with that theory. The problem is we continue to show people that they can sue the state with virtual impunity. And if you look at some of the individual claims again this year, you would scratch your head and say, ‘Why are we paying them off?’

“We also have, within this group of claims, a claim for legal fees from the O’ahu newspaper, the *Star-Advertiser*, when they sued the governor for release of names of the judicial selection. That went through the Office of Information Practices, but it wound up in court and the newspaper sued for legal fees. They got a judgment for those legal fees. They probably have something pending right now for an appeal and more legal fees. So, I think, in some cases, while initially it may be more of a cost for us to litigate, it sends a message that unless you have a clear claim, unless there was genuine negligence by the state, we shouldn’t be so eager and so easy to pay out, again, taxpayers’ money. Thank you.”

Senator Keith-Agaran rose to make the following inquiry:

“Yes, Madam President. I’d like your ruling on a conflict. My law partnership represents a claimant whose claim is being funded in this bill.”

The Chair ruled that there was no conflict.

At 2:06 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:07 p.m.

The Chair then stated:

“Senator Keith-Agaran, in review, there is an appearance of a conflict of interest. Therefore, the Chair will change her ruling; there is a conflict of interest.”

Senator Keith-Agaran responded:

“Just to clarify, then: I’m excused from voting on this bill.”

The Chair confirmed that Senator Keith-Agaran was excused from voting on the measure.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 131-14 was adopted and S.B. No. 2246, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Slom). Noes, none. Excused, 1 (Keith-Agaran).

Conf. Com. Rep. No. 140-14 (H.B. No. 2590, H.D. 1, S.D. 2, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 140-14 be adopted and H.B. No. 2590, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

Senator Slom rose to speak in opposition to the measure as follows:

“You know, we want to encourage people to vote and register to vote. We want to make it easy for them to do so – easier. However, in the State of Hawai‘i, it has been very easy to register to vote. We have our Wikipiki Registration forms; we have, at almost every public event, registrars and people trying to get out the vote. And yet, we went from number 1 in the country in terms of voting back in the early sixties to an embarrassing number 50 right now. We are worst in the nation. We had a 48 percent turnout in the primary two years ago.

“So what’s the answer? Is the problem ease of registration? I would say no, it’s not. The problem is not ease of registration because there’s no difficulty right now. The fact that somebody wants to register at the last minute – I mean, we have statute of limitations, we have all kinds of opportunities for people to register. That’s not it. The reason that people are not voting is because they feel, for different reasons, that there’s no competition. In fact, it’s true that in a lot of elections that we have, a lot of the races, there is only one candidate. We find also that there is a prevailing sentiment among people that their vote is not going to count in this state. And that’s a wrong philosophy, but it’s a self-fulfilling prophecy if, in fact, they don’t vote. We have seen other states that have used instant registration or last-minute registration, and they’ve had problems with fraud, with the inability to actually determine whether or not a person is a legal resident, and other problems as well.

“My problem with this bill, among the things that I’ve just mentioned, is the fact that two years ago, we had a dysfunctional elections office that couldn’t even print enough ballots and get them distributed – particularly in my area, in east Honolulu – which denied people their basic constitutional right of voting. Now, we’re going to let these same people be in charge of instant registration on Election Day? I think not,

Madam President. I have no trust in them because there were no sanctions; there was nothing ever done; the same people are there. The only thing that was done: there was an attempt to raise the salary of the very person that screwed up so badly before.

“So, I would suggest that we get our current election system in order, first of all. We hold people responsible. We have consequences for poor actions, and then we can talk about registration. Also, the counties weighed in on this and talked about the additional costs and the minimal amount of additional people that will register. And then you have one more step: registering is one thing; actually voting is something else. So for all of these reasons, I think this is an ill-informed bill at this time, and I will vote ‘no.’ Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 140-14 was adopted and H.B. No. 2590, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ELECTIONS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Baker, Dela Cruz, English, Kahele, Keith-Agaran, Kidani, Kim, Kouchi, Nishihara, Solomon). Noes, 1 (Slom).

Conf. Com. Rep. No. 141-14 (H.B. No. 1714, H.D. 1, S.D. 2, C.D. 1):

Senator Gabbard moved that Conf. Com. Rep. No. 141-14 be adopted and H.B. No. 1714, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Solomon.

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

“This is, colleagues, a bill, a part of our joint majority package on climate change, and if you would enter my remarks into the Journal, I would appreciate it. Mahalo.”

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

“Madam President, I rise in strong support of HB 1714 HD1 SD2 CD1. This is a Joint Majority Package bill to address the impending crisis of climate change.

“Climate change is a global problem with global and local impact. As former Vice President Al Gore recently noted during a speech at UH Mānoa, we’re seeing the rapid disappearance of glaciers and polar ice caps. That means that we in Hawai‘i must contend with sea level rise and salt water intrusion into our water table and even into our streets through storm drains. We’ll see more extreme weather worldwide. That means that we in Hawai‘i may expect more frequent and probably more severe hurricanes and other storms. Greater carbon dioxide emissions into the atmosphere is leading to acidification of the oceans. Sea level rise and acidification of the oceans imperil the health of our coral reefs. Climate change is also changing or aggravating rainfall patterns. This means that we in Hawai‘i must deal with flooding from increased rainfall in some areas and protracted drought from decreased rainfall in other areas.

“This bill is intended to set up a framework for us to prepare for the impact of climate change, starting with sea level rise and then going beyond that. Colleagues, I ask for your support for this bill. Mahalo.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 141-14 was adopted and H.B. No. 1714, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CLIMATE CHANGE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 144-14 (H.B. No. 2434, H.D. 2, S.D. 2, C.D. 1):

Senator Kahele moved that Conf. Com. Rep. No. 144-14 be adopted and H.B. No. 2434, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Solomon.

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

“Yes, members. This is the measure that would fund the acquisition of the conservation easement at Turtle Bay Resort. This oceanfront property at Turtle Bay, including Kawela Bay and Kahuku Point, is pristine land that is one of the finest examples of the state’s natural beauty, and it is important to preserve this in perpetuity for the benefit of the public including visitors and residents alike who pay the TAT. The acquisition of this conservation easement will enhance our visitors’ experience and promote and support the tourism and visitor industry throughout O‘ahu. The preservation of the natural beauty and open space will help offset the hustle and bustle of Honolulu and provide visitors with a glimpse of the Hawai‘i we know and love. This, in turn, should contribute to economic activity in the visitor industry by providing a tourist attraction, thus stimulating economic activity which will further increase TAT revenues.

“I think, most important, Madam President and colleagues, this will preserve for our residents – those on the North Shore and the rest of O‘ahu – a pristine venue for perpetuity and ensure public access to these important lands. I encourage all of you to vote in support of this measure. Thank you.”

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

“It’s with a deep sense of gratitude that I stand as the member of the Senate who represents this area; gratitude for the members of the Senate, who have been patient with this proposal – and I mean that very sincerely; gratitude to the previous speaker, who found the creativity because of issues beyond his control in the other chamber which did not make it possible to include this as a budget item; gratitude to the hard work of people dedicated to see this area preserved. And specifically, I would like to name three individuals, and they are Denise Antolini, who is an associate dean at the UH School of Law; Lea Hong, who is with the Trust for Public Land; and Doug Cole. These three individuals have kept the momentum going forward and they have provided the will of so many others to weigh in.

“This particular opportunity is somewhat similar to the cash payment that was made last year for Lipoa Point to preserve an area that is highly valued by the local residents. This particular issue is not unlike the Galbraith purchase to preserve lands for ag. In this example, however, this 666 acres or so of lands at Turtle Bay do two things. They preserve for all time, for generations yet unborn, the privilege of seeing an area that will not change on the island of O‘ahu; and very little other areas can be said the same on an island that represents 80 percent of the population and is the tourist hub for in excess of 7 million tourists who visit annually.

“Very few opportunities like this are borne before us, and I’m deeply grateful and indebted to the hard work put together by the community, put together by the political leadership and will, and most of all, in an effort to provide for future generations what past generations have enjoyed and taught us to enjoy. Thank you very much.”

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

“For all of us that went through the discussions over the last couple years – the community outreach, the opportunity for the Turtle Bay company to try to make changes to its plans – I think we’re all glad that there has been a settlement. However, I have reservations because unlike the two examples that the previous speaker just mentioned – Lipoa Point and Galbraith Estate – that was a situation where the state got fee simple ownership of the lands. We’re paying \$40 million here for an easement. I think that’s a significant difference.

“In addition to that, as I spoke earlier on the Dole lands, we continue to spend a lot of money on preservation land. We also see that, in some cases, we’ve had land that’s preservation and then years later there are attempts or actual success in changing that preservation land into something else, usually commercialized land.

“So, I know that everybody seems to be in agreement with this – I’ve talked to the people from Turtle Bay and people from the North Shore communities – and that that’s a good thing and we’re able to do that, and it’s far superior to the original attempt for the state to condemn the property and take it over. But I would just caution that all this money that we’re spending and all this land has consequences not only of ownership or care but also of maintenance as well. So, I will support it, support it with reservations, and thank all those people that did meet and get together and try to hammer out a solution, but let’s be cognizant of what the total cost really is. Thank you.”

Senator Hee rose to speak in rebuttal as follows:

“This \$40 million purchase in reimbursable bonds is a purchase in perpetuity. If Replay Resorts were to sell the land to some other investment security owner, that does not change the conditions upon which the 666 acres of the conservation easement as they are intended to exist, should this legislation pass, nor would it change the 400 acres across the street mauka on the permanent ag easement. This is a condition that places upon over 1,000 acres a guarantee that the lands will be preserved as they are designated, regardless of the owner.

“The idea that the previous speaker floated with respect to Lipoa Point and Galbraith purchased in fee, let me be the first one to offer to him that I will co-sign with him a bill next year to condemn the 666 acres – and let’s make it the whole resort including that hotel that stands there. And he and I can do what may be surprising to some as a bipartisan effort, and he can be the lead signer, and I’ll be the huelo – I’ll be the tail on the bill. But only us – only him and me, nobody else. The only part that troubles me is that he did admit, which puzzles me a little bit, that this is far superior – and this is a quote now – ‘far superior’ to the attempt to acquire the land. Well, we can’t have it both ways, so let’s settle this now and let’s do this together, my friend. You and I, let’s put the initiative forward to purchase all the lands, and that’ll give me a reason to come back next year. Thank you.”

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

“Thank you, Madam President. I rise in strong support of this measure, and I like the word ‘perpetuity.’ Last year, we set aside acreage, and I think it’s money well spent and I strongly support the bill. Thank you very much.”

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

“Thank you, Madam President. I also stand in strong support. However, I would be remiss if I didn’t mention the fact that I was disappointed. I was hoping that the language could have

been included in this bill that will allow the ceiling to be lifted for DLNR, so that they could engage in proper enforcement for this easement and conservation. So I’m hoping that, next session, that we’ll see our way clear to really fix the language so that we can proceed accordingly. Thank you.”

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

“Madam President, I support the bill and would like the previous speaker’s remarks to be entered in the Journal as my own. Thank you very much.” (The Chair so ordered, by reference only.)

The motion was put by the Chair and carried, Conf. Com. Rep. No. 144-14 was adopted and H.B. No. 2434, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Slom). Noes, none.

FINAL READING

MATTER DEFERRED FROM EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 135-14 (S.B. No. 2478, H.D. 2, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 135-14 be adopted and S.B. No. 2478, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Green rose to speak in opposition to the measure as follows:

“Just brief comments, Madam President. This one’s a little rare; I’m going to vote ‘no’ on this bill. I think that the language that the House adopted is problematic, or that they sent over to us. This bill, ‘Relating to Health,’ didn’t happen to go to Health. I think there was an accident, but it’s okay – water under the bridge. The concern I have is that we are going to set up some pretty unprofessional expectations on chiropractors, who I love, and also unrealistic expectations for patients.

“Let me be very specific. So, they provide excellent care; this is a critical discipline for care in the State of Hawai‘i. The first patient I ever saw as a resident was a gentleman about 75 years old who fell over a rake. So, he fell over a rake, but he fell just three feet and broke his neck and ended up paralyzed from the neck down. He’d been getting good care for neck pain, in that particular case, from multiple modalities but had never seen a doctor to do a full workup, and he had widespread prostate cancer that had gone into his bones. And so, his neck was very weak and he ended up paralyzed and died a few years later, but was paralyzed from the neck down. So, he didn’t get a full workup, and that is a problem because these are complicated questions when people have neck pain.

“The second patient that I would tell you about was someone I saw down in Ka‘ū, when I was a doc there in the early 2000s, who came in for low back pain. And in doing a gynecologic exam on this woman, I felt very large ovarian tumors in her, and she had been seeking care from people, other individuals. In that case, she had been seeing and getting nutritional support and getting chiropractic support. Now, people misdiagnose all the time, but in her particular case, she had metastasis from this ovarian cancer to her spine, and it’s rare. I mean, that’s a rare circumstance, okay, that someone’s going to not go and seek care when she had multiple reasons to seek care.

“But the expectation from, I believe, the House language does place that burden now on chiropractors to have a pretty expanded responsibility in our healthcare system. And I know

many, many good chiropractors will do an excellent job, but we are changing the expectations now and we will see more individuals get their primary care, if this bill passes, from individuals who are chiropractors. That's just a fact. I'm not trying just to focus on cancers, but we will misdiagnose many, many individuals if the community gets the expectation that they can get their comprehensive care from these individuals, who do provide excellent services.

"So, I'm voting 'no.' I think we should revisit this bill, make some small changes, and pass it next year. It's just my belief, but those are two vignettes that are absolutely real stories that I think we should be cautious about. So, please consider that, members. The House is debating this as well. I would rather we wait until next year and revisit it. That's the input I would have given if I was more involved from a referral basis on this bill. So, please be careful with your votes; there's a lot of good in this bill. The premise of making them more important to these individuals in society for back problems and chiropractic problems is very well-intentioned, but I am worried about that language, Madam President."

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

"I would just note that the chiropractic scope of practice has not been modified since 1997. This measure merely says that the chiropractors will keep up with their continuing education; they will make sure that it goes from programs that are accredited nationally; and it allows them to practice up to their level of training. I think it's a leap to say that just because we are ensuring that licensed chiropractors in this state are licensed appropriately to practice appropriately that it's going to mean a rush from someone who has been getting their services from an MD to go to a chiropractor.

"To me, what this measure is, along with some of the others, is looking at health care professionals to make sure that they're appropriately licensed, they're appropriately trained, so that individuals who, exercising their own choice to go to a variety of practitioners for whatever reason, have that choice and have some comfort that the individuals who have a license are qualified within their very narrow scope of practice.

"I know that there was some concern raised about the notion of physiotherapy. That's currently in the existing statute. That's one of the elements of the chiropractic national exam, and that is in our rules and it's been there since the 1990s. So, I think that some of the concerns that were raised by my friend from west Hawai'i perhaps are unfounded and I think we've looked at this for many, many years. It is not really expanding the scope; it's merely updating the scope, and I would ask my colleagues to vote up on this measure to make sure that individuals have choice and they can then exercise that choice appropriately. Mahalo."

Senator Green rose to speak in rebuttal as follows:

"Thank you. I appreciate the comments from the good chair from Maui. The specific comments that I would make are that on the second page of the bill, where it says 'use or order diagnostic imaging' and 'use or order laboratory testing,' that's extraordinarily broad, and that will be irresponsible and put patients at risk.

"It's not that I think that people shouldn't have access to chiropractors; I do. And I do think that expanding their practice so that they can provide the top level of their discipline is important. But 'all laboratory testing' certainly so far exceeds what their training is; it's just not, from my perspective, the right thing to do, and 'all diagnostic imaging.' It's not hedged. It's not described better. They're not trained for that. I do want them practicing at the top of their discipline, but what this does is this enables them to do any tests and any diagnostic imaging,

and that is simply too much. And I tell you, I respect the process, but that language needs to be amended from my point of view because I think it's going to cause major damage to patients, Madam President."

Senator Baker rose to speak in rebuttal as follows:

"Thank you, Madam President. Colleagues, that language is found in many of the licensing laws in our state and it is language that describes the kind of programs that are made and taken in schools of chiropractic that are nationally accredited by the United States Department of Education; that's how the schools are accredited.

"So, I appreciate the chair of Health's concern, but I think perhaps, if you look at it objectively and you look at how people are being trained today, it's not saying that a diagnostic image – that oftentimes, chiropractors will take that image, give it to the individual, and refer them some place else. That, to me, is really what we're talking about: it's enabling the professions to work more collaboratively together, so that if you – whether it's a naturopath, whether it's a chiropractic doctor, whether it is a medical doctor, whether it's a nurse practitioner – every profession has an obligation to do no harm to their patients. They have an obligation to give them the best possible treatment. They have an ethical obligation, a professional obligation, to hand that patient off to somebody else if, indeed, that's what is required, and I think we want all of our professionals to do just that. And I believe that when we're looking at patient-centered medical homes, patient-centered care in our state, this is the kind of thing that will incent that, along with some of the other measures that we've passed, and so I'd ask my colleagues to vote up on this bill. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 135-14 was adopted and S.B. No. 2478, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Nishihara, Thielen, Wakai). Noes, 1 (Green).

ADVISE AND CONSENT

MATTER DEFERRED FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 3514 (Gov. Msg. No. 585):

Senator Gabbard moved that Stand. Com. Rep. No. 3514 be received and placed on file, seconded by Senator Ruderman and carried.

Senator Gabbard then moved that the Senate advise and consent to the nomination of JESSICA WOOLEY as the Director of the Office of Environmental Quality Control, term to expire June 30, 2015, seconded by Senator Ruderman.

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

"Colleagues, Jessica Wooley has been one of our colleagues here at the Legislature, serving the Windward side with distinction since 2008. She has served as chair of both the House Ag Committee as well as the Culture & the Arts Committee. I've personally sat across the conference committee table from her and found her to be intelligent, caring, capable, and committed to doing what's best for our state. She accepted the governor's offer to step down from her position as a State Representative to assume the important position as director of the Office of Environmental Quality Control.

"Jessica's credentials and background make her a very good fit for the position. Among other qualifications, she earned a law degree from the University of California, Berkeley and was

a deputy attorney general representing the Department of Health's clean water, drinking water, and wastewater branches. The testimony we received on her nomination was unanimously in support. I've been truly impressed with Jessica's enthusiasm and vision for OEQC and want to share a quote from her personal statement that reinforces this, and I quote: 'Hawaii's unique geographic location has blessed us with some of the most unique and fragile forms of life, all integral to a historically rooted way of life that, for many, sits at the center of their lives. Our economy, health, quality of life, and future all depend on our stewardship of these environmental resources. I will do everything in my power as OEQC director to address and anticipate the needs of future generations.'

"And finally, for those of you who might have concerns about Ms. Wooley in this position, I would like to add that this appointment is for a term that ends on June 30, 2015. So, if she is confirmed today, you'll have the next year to observe her in action and you'll be able to weigh in once again if the governor chooses to reappoint her in 2015. I ask you to join me in supporting G.M. 585, and Madam President, I request a Roll Call vote on this measure. Mahalo." (The Chair so ordered.)

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

"As a member, I am vice chair of the Energy and Environment Committee. I participated in an open, fair, and thorough vetting process of this nominee. I won't repeat her qualifications, but I will say she's among the most qualified nominees we have seen.

"I believe our job in the confirmation hearing is twofold: to assess the qualification and to assess the support and opposition to the nomination. The qualifications part was easy. The assessment of support and opposition was also easy, as there was 100 percent support among all testimony received; that is, zero opposition. The support included both of the two previous directors of OEQC. If there is a fear of standing up and opposing a nomination, I note that there was not even a single anonymous testimony in opposition to this nomination nor was there a phone call to our office in regards to it.

"I hope that in the future, for any members that have concerns about nominations, they will attend the confirmation hearing and address their concerns in a fair and open way that allows the nominee the opportunity to respond to those concerns. That would be fair to the nominee; that would be respectful to the nominee. So, I urge my colleagues to respect the subject committee chair, to respect fair play and respect the Senate's own processes, and to approve this nomination. Thank you very much, Madam President."

Senator Slom rose to speak in opposition to the nominee as follows:

"Thank you, and let me say, first of all, I did take part in that hearing and I did vote 'with reservations' at the time. To say that there's been no opposition, I don't know - I've received telephone calls and I've received emails and I'm sure I'm not the only one. And basically, it is a question, I think it is a determination as to the qualifications of the nominee and it is debatable. The hearing was described by the chairman as a 'lovefest,' and that's exactly what it was. I don't think there were very many hard questions, but there were comments from people that felt that there was not going to be a fair balance by this nominee - people in the farming and agricultural community, people in small business - and whether that's right or wrong, that is the perception.

"One thing that we can be sure of is that this OEQC has become a veritable political hotspot in the last decade in terms of the people that have been appointed, that served there. The previous nominee, whose name was withdrawn because she did

not garner enough votes even before there was floor action, she had served under a Democratic governor, under a Republican governor. There had been no problems in terms of what she was doing with her job. The criticism came from those who did not like her association with Governor Lingle's administration and positions she took or did not take relative to the Superferry, which, many could argue, really had nothing to do with her primary responsibilities.

"So, I think it's important that we fully vet a nominee and that there is room for discussion and differences in terms of both qualifications and evenhandedness and fairness. We ask that of our judges; we should ask no less from important cabinet-level positions. Thank you."

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

Ayes, 17; Ayes with Reservations (Baker, English, Espero, Taniguchi, Tokuda). Noes, 8 (Dela Cruz, Kahele, Kidani, Nishihara, Slom, Solomon, Thielen, Wakai).

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 1007, S.D. 2 (H.D. 2):

The President discharged all conferees 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. 1007, S.D. 2.

Senator Solomon 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. 1007, S.D. 2, seconded by Senator Espero and carried.

Senator Solomon then moved that the Senate agree to the amendments proposed by the House to S.B. No. 1007, S.D. 2, seconded by Senator Espero.

Senator Solomon noted:

"Thank you very much, Madam President. The House has amended this measure by removing the provisions extending the conclusive presumption for legally adequate warning to include dangerous, non-natural conditions on unimproved public lands and making technical amendments for clarity, consistency, and style. 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. 1007, S.D. 2, and S.B. No. 1007, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY," was placed on the calendar for Final Reading on Thursday, May 1, 2014.

S.B. No. 2118 (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. 2118, 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. 2118, on the following showing of Ayes and Noes:

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

Senator Hee then moved that the Senate agree to the amendments proposed by the House to S.B. No. 2118, seconded by Senator Espero.

Senator Hee noted:

“With respect to S.B. No. 2118, H.D. 1, the purpose and intent of this measure is to make housekeeping amendments to HRS 11-426 and HRS 11-424 by removing reference to an obsolete tax credit and requiring a notification to the Office of Elections when a candidate exceeds campaign expenditure limits. Existing law requires candidates to notify all opponents to the Campaign Spending Commission and chief elections officer upon exceeding campaign expenditure limits. The Senate Committees on Judiciary and Labor and Ways and Means passed the measure as is. The Senate is agreeing to the latest House amendments, in which the Judiciary Committee restored a provision that would require candidates to provide notice to contributors of their campaign within 30 days should the candidate exceed their campaign expenditure limit.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2118, and S.B. No. 2118, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING,” was placed on the calendar for Final Reading on Thursday, May 1, 2014.

S.B. No. 2629, 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. 2629, S.D. 1, 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. 2629, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 2 (Hee, Shimabukuro). Noes, none. Excused, 1 (Galuteria).

Senator Hee then moved that the Senate agree to the amendments proposed by the House to S.B. No. 2629, S.D. 1, seconded by Senator Espero.

Senator Hee noted:

“With respect to S.B. No. 2629, H.D. 1, the Senate JDL Committee passed the bill with amendments that clarified the reporting period and expenditures and contributions that needed to include statements of expenditures relating to lobbyists during special session. The House Judiciary Committee changed the bill’s effective date to ‘effective upon approval.’ The Senate is agreeing to the House amendments because the amendments changed the effective date to ‘upon approval.’ 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. 2629, S.D. 1, and S.B. No. 2629, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LOBBYISTS,” was placed on the calendar for Final Reading on Thursday, May 1, 2014.

WAIVER OF REFERRAL

Senator Espero, Chair of the Committee on Public Safety, Intergovernmental and Military Affairs, requested that the referral of H.C.R. No. 68 to the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Ways and Means be waived.

Senator Espero noted:

“I am asking for this waiver because, as you know, as it gets busy during session, many resolutions are not heard and the deadlines are passed. However, the author of this measure from the House, he is in his last session here at the State Capitol after

20 years and he asked me if I would waive it, and I did put in the request.”

The Chair granted the waiver.

By unanimous consent, H.C.R. No. 68, entitled: “HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT THE AUTHORIZATION OF THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE CONSTRUCTION OF A LONG-TERM CARE FACILITY FOR VETERANS CONTINGENT UPON THE RECEIPT OF FEDERAL FUNDS,” was placed on the calendar for adoption on Thursday, May 1, 2014.

At this time, Senator Shimabukuro rose to announce that the Committee on Hawaiian Affairs would be holding an informational briefing on the Native Hawaiian Roll Commission on Monday, May 5, 2014, at 10:30 a.m.


At 2:47 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:53 p.m.

ADJOURNMENT

At 2:54 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:00 a.m., Thursday, May 1, 2014.

ATTACHMENT A



HAWAII STATE LEGISLATURE
 STATE CAPITOL
 415 SOUTH BERETANIA STREET
 HONOLULU, HAWAII 96813

27th LEGISLATURE
 JOINT HOUSE-SENATE
 2014 COMMITTEES ON CONFERENCE PROCEDURES-EXTENDED

The Senate and the House have agreed to the following special procedures for certain 2014 Regular Session Committees on Conference. These Conference procedures shall be effective from 12:00 noon to 5:00 p.m. on Monday, April 28, 2014 for the following measures only:

H.B. No. 1745, HD2, SD2 – Relating to Education
 H.B. No. 1796, HD2, SD1 – Relating to Education
 H.B. No. 2257, HD2, SD2 – Relating to the Department of Education Superintendent's Salary
 H.B. No. 2626, HD2, SD2 – Relating to Taxation

1. **Definitions**
 For purposes of these procedures:
 "Chairs" refers to all of the designated chairs and co-chairs of a Conference Committee.
 "Conference Committee" refers to the conference of the House Committee and the Senate Committee assigned by their respective chamber to resolve the differences between the House and the Senate over a particular measure.
 "Lead chair" refers to the chair of the House Committee or the Senate Committee who is listed first on the Action Sheets, as provided by the respective chamber.
 "Lead committee staff" refers to the staff of the lead Chair from the chamber from which the measure in conference originated.
 "Managers" refers to all members of the House and Senate assigned to a Conference Committee.
2. **Conference Committee Scope and Amendments**
 The authority of the Conference Committee shall be limited to resolving differences between the Senate and House drafts of a measure. Accordingly, the Conference Committee shall not amend a measure by inserting any unrelated or new subject matter.
3. **Conference Committee Meeting Times and Places**
 Conference Committee deliberations shall take place only between the hours of 4:00 p.m.

Page 1 of 5

and 4:30 p.m. on April 28, 2014.

4. **Meetings**
 This memorandum shall serve as notice of the meetings which will occur at 4:00 p.m. on April 28, 2014 in room 329, State Capitol.
5. **Attendance at Meetings**
 - a. The lead chairs shall be present at the Conference Meeting.
 All other conference committee managers, especially any co-chair, should attempt to be present at the meeting.
 - b. For decision-making at a meeting, a quorum must be present. "A quorum shall be a majority of the House Committee managers and a majority of the Senate Committee managers, and shall include the lead House and Senate chair and majority of the chairs of the Conference Committee for their respective chamber." The lead House and Senate chair of the conference committee must be part of this quorum.
 - c. For a measure with fiscal implications, approval must be given by the chair representing the House Finance Committee and Senate Ways and Means Committee during the decision-making on the measure.
6. **Conference Discussion**
 Except as authorized by the respective chairs, only the respective chairs may speak during conference. All other managers or other authorized persons shall be recognized by their respective chairs before speaking on any issue.
7. **Decorum in Conference Committee Meetings and Courtesy to the Public and to the Managers**
 - a. Managers shall respect the differing views of other managers and conduct themselves in a courteous manner.
8. **Decision-making Meeting**
 The decision-making meeting of a Conference Committee shall comply with the following open meeting provisions:
 - a. A quorum of the Conference Committee shall be present for the decision making meeting. A quorum shall be a majority of the House Committee managers and a majority of the Senate Committee managers, and shall include the lead House and Senate chair and majority of the chairs of the Conference Committee for their respective chamber.

Page 2 of 5

ATTACHMENT A

- b. To report a measure out of Conference Committee in amended form, Conference Draft (CD), a majority of the quorum of managers for each respective chamber shall vote in favor of the proposed amendments.
- c. The lead chair (or the lead chair's designee) representing their respective chamber shall call the roll and be the recorder of the quorum and the votes on that measure for that chamber. (Sample attached).
- d. If, after naming a Conference Committee on a measure, the Conference Committee managers representing the chamber from which a measure originated agree to the amendments made by the non-originating chamber, only a quorum of those representing the originating chamber shall vote on the agreement at a duly noticed meeting. For example, if after naming a Conference Committee on a House measure, the House managers of the Conference Committee decide to agree to the amendments in the Senate draft (SD) of the measure, then only the House managers of the Conference Committee shall vote on the measure, returning it to the House in its SD form. For such action, only a quorum of the Conference Committee managers representing the chamber from which the measure originated need to be present. The "Record of Votes of a Conference Committee" sheet detailing the votes of the managers of the originating chamber shall be filed with the appropriate chamber without a Conference Committee Report.

9. Conference Committee Reports

- a. A majority of the House and Senate chairs, respectively, of a Conference Committee shall attest to the action of the Conference Committee by signing the Conference Committee Report on behalf of their respective managers; provided that no Conference Committee Report concerning a measure with fiscal implications shall be reported out of a Conference Committee without the signature of the chair (or the chair's designee) of each fiscal committee to which the measure is referred. The "Record of Votes of a Conference Committee" sheet detailing the votes of the managers of the Conference Committee shall be attached to the report as a part thereof.
- b. All House measures reported out of Conference Committee shall be filed with the House Chief Clerk, and likewise all Senate measures shall be filed with the Senate Chief Clerk. A document filed in the originating chamber shall be deemed simultaneously filed in the other chamber. Only the original Conference Committee Report, with the attached Record of Votes, and the Conference Draft of the measure shall be required for filing.
- c. If the Conference Committee votes to report the measure out, the Committee must file a Conference Committee Report and Conference Draft with the appropriate chamber's Chief Clerk.

10. Decision-making Deadlines

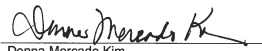
All Conference Committee Reports and Conference Drafts of measures shall be filed with the respective Chief Clerk by 5:00 p.m. on April 28, 2014.

11. Electronic Transfer

Should a Conference Committee for which the vehicle is a Senate bill decide to use a proposal drafted by the House, the House chair shall have the House proposal electronically transferred to the appropriate Senate office so that the Conference Draft can be prepared. The converse shall apply to House bills with proposals drafted by the Senate that the Conference Committee agrees to.

12. Exceptions to these Deadlines and Procedures

Exceptions to these deadlines and other procedures may be made only with the advance written approval of both the Senate President and the House Speaker.


 Donna Mercado Kim
 President of the Senate


 Joseph M. Souki
 Speaker of the House of Representatives

4/23/14
 Date

4/28/14
 Date

ATTACHMENT B



NEIL ABERCROMBIE
GOVERNOR
SHAN S. TSUTSUI
LT GOVERNOR

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
335 MERCHANT STREET, ROOM 310
P.O. Box 541
HONOLULU, HAWAII 96809
Phone Number: 586-2850
Fax Number: 586-2856
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KEALI'I S. LOPEZ
DIRECTOR
JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

April 24, 2014

The Honorable Donna Mercado Kim, President
Hawaii State Senate
Hawaii State Capitol, Room 409
415 South Beretania Street
Honolulu, HI 96813

The Honorable Joseph Souki, Speaker
Hawaii State House of Representatives
Hawaii State Capitol, Room 431
415 South Beretania Street
Honolulu, HI 96813

Dear President Kim and Speaker Souki:

Re: S.B. No. 2048, S.D. 1, H.D. 2, C.D. 1

This is in response to any concerns that may arise regarding the Department of Commerce and Consumer Affairs' (Department) oversight of Hawaii's Public, Educational and Governmental (PEG) access organizations, which would be designated in accordance with §440G-8.3, Hawaii Revised Statutes (HRS). This section of the HRS, among other things, requires the department to conduct annual management and financial audits of the access organizations designated under this section.

S.B. 2048, S.D.1, H.D. 2, C.D. 1 deletes the annual requirement of the Department to conduct annual management and financial audits of the PEG access organizations. However, your Senate Conference Committee and your House Conference Committee on S.B. 2048, S.D. 1, H.D. 2, C.D. 1, as referenced in Conference Committee Report SB2048 CD1 CCR13-14, indicates:

The Department of Commerce and Consumer Affairs has also indicated a willingness to mandate periodic management and financial reviews in the contracts with the designated public, educational, or governmental access organizations, thus ensuring sufficient oversight and transparency.

President Kim and Speaker Souki
S.B. No. 2048, S.D. 1, H.D. 2, C.D. 1
April 24, 2014
Page 2

Effective immediately, I am affirming that the Department will conduct biennial management audits of PEG access organizations that are designated in accordance with §440G-8.3, HRS. The Department will also conduct independent financial audits of PEG access organizations in response to findings of the biennial management audits. The final results of these audits will be posted on the Department's website to ensure transparency in the Department's oversight of the Hawaii PEG access organizations.

Please feel free to contact me at 586-2850 if you have any questions.

Very Truly Yours,

KEALI'I S. LOPEZ
Director

- c: Office of the Governor, Policy
- Senator Rosalyn H. Baker, CPN Chair
- Senator Brian T. Taniguchi, CPN Vice Chair
- Representative Angus L.K. McKelvey, CPC Chair
- Representative Derek S.K. Kawakami, CPC Vice Chair
- Catherine P. Awakuni, DCCA Cable Television Administrator