

THIRTY-FIRST DAY

Thursday, March 16, 2017

The Senate of the Twenty-Ninth Legislature of the State of Hawai'i, Regular Session of 2017, convened at 11:35 a.m. with the President in the Chair.

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

The President announced that he had read and approved the Journal of the Thirtieth Day.

At this time, Senator Baker noted that it was the 17th Annual State Council on Developmental Disabilities Day at the Capitol – a partnership of the Disability and Communication Access Board, Hawai'i Self-Advocacy Advisory Council, Hawai'i Waiver Providers Association, Hilopa'a Family to Family Health Information Center, and Maternal and Child Health Leadership Education – with 57 participants from the neighbor islands and over 400 participants from O'ahu, including individuals with developmental disabilities, family members, personal assistants, and other advocates. Senator Baker then acknowledged Waynette Cabral and all of the staff of the State Council on Developmental Disabilities, who were present in the gallery, for organizing the event.

Senator Ruderman introduced Department of Health coordinator Jesse Floyd, who was present in the gallery with a group of participants from Hilo, as well as a group from Easter Seals in Kea'au.

Senator Green introduced the following participants from West Hawai'i, who were present in the gallery: from the Arc of Kona – Chris Barnett, Sanoe Wong, Joshua Getz, Lois Philips, Robert Sonoria, Lisa Pardom, Mariana Ruiz, Duke Ka'awa, Kamini Mako, and Makakilo Isadoro; and from Full Life Kona – Jameson Nakana, Logan Dido, Jackie Hopf, and Matthew Bester.

Senator Rhoads introduced Blane Sardinha, a resident of Kukui Gardens, who was present in the gallery.

Senator Chang welcomed a group of fifth-grade students from Mayor John H. Wilson Elementary School, who were present in the gallery with their teachers Roxane Yi and Max Kaneshiro, and educational assistant Rie Barnhart.

Senator Shimabukuro recognized a group from Kahumana in Wai'anae and the Department of Health.

Senator Kahele welcomed participants from Hilo who were present in the gallery: Darwin Nagamine from Arc of Hilo; and from Full Life Hilo – Kaulia Haumea, Mia Manzo, Victoria Murray, and Marlene Murray.

Senator Baker acknowledged guests from Maui, Moloka'i, and Lāna'i who were participating in Developmental Disabilities Day at the State Capitol.

Senator Baker then commended and congratulated the Hawai'i State Board of Nursing for its dedication to the health and welfare of the people of Hawai'i, and presented the following remarks:

"Today, colleagues, we recognize the 100th year anniversary of the Hawai'i State Board of Nursing – 100 years. The Board of Nursing was created when Governor Lucius E. Pinkham of the Territory of Hawai'i signed Act 163 into law. The title of the act was 'To Provide for the Registration of Nurses,' which has served to standardize and enforce nursing requirements from territorial days. Over the past 100 years, the Board of Nursing – which is housed in DCCA and today consists of seven nursing professionals and two public members – has ensured that

Hawai'i nursing requirements have evolved to keep pace with the ever-changing landscape of health care.

"Joining us on the floor today are representatives from the Hawai'i State Board of Nursing: first, the chair of the Board, Loraine Fleming; and the executive officer of the Board, Lee Ann Teshima.

"Colleagues, the Board plays a significant role in defining the scope of practice while continually promoting improvements for the nursing profession. The Board's top priority has always been to ensure that the people of our state receive the best care possible by regulating the practice of nursing in a consistent, comprehensive, and quality manner. One hundred years ago, the Board of Nursing was founded by the mission to safeguard life and health in the practice of nursing. Today, we honor them as they continue to fulfill that mission and bring personal and quality health care to their patients in a variety of healthcare settings.

"Mr. President, we were supposed to have some other nurses, part of the Board, in our gallery. Let me recognize them by name and they can wave: We have Edna Magpantay-Monroe, who is associate professor and Vice Chair, School of Nursing, at Chaminade. We have Nancy Atmospera-Walch, president and CEO of Advantage Health Care Provider; Dean Mary Boland, Professor, School of Nursing and Dental Hygiene, University of Hawai'i at Mānoa; Liane Muraoka, who's the program lead for the Hawai'i State Center for Nursing; and a former intern in my office who is now the director of the Hawai'i State Center for Nursing, Laura Reichhardt.

"Mr. President, on your behalf and on behalf of all of our colleagues, we want to extend a truly heartfelt mahalo nui loa to the Board of Nursing and your dedicated members, who volunteer their time to maintain the high quality of nurses who serve our state so well. Mahalo."

Senator Chang recognized and congratulated the American Red Cross of Hawai'i for 100 years of service, and presented the following remarks:

"It's a very special year – it's another 100-year anniversary we're celebrating today. Working side by side with the police, fire, military, and civil defense, the American Red Cross Hawaii unwaveringly focuses on its mission to prevent and alleviate human suffering, providing disaster relief, and teaching life-saving techniques to the people of Hawai'i, helping people prevent and prepare for emergencies, and providing support to military families. Since the late 1800s, the Red Cross has had a rich and distinguished history in Hawai'i, beginning with Princess Ka'iulani helping to care for sick and wounded soldiers during the Spanish-American War. The American Red Cross of Hawaii was officially chartered in 1917 during World War I.

"For the past 100 years, the American Red Cross of Hawaii has assisted victims of every major disaster in the islands' history, including the bombing of Pearl Harbor. In addition to larger-scale disasters, the Hawaii Red Cross is on call 24/7 and responds to everyday disasters every four days, providing food, clothing, shelter, crisis counseling, and emotional support. Each year, the Hawaii Red Cross teaches 20,000 residents how to save lives through CPR, AED, first aid, wilderness, aquatics, and workplace safety training, and offers free emergency, first aid, and pet first aid apps. Hawaii Red Cross volunteers install free smoke alarms in people's homes – targeting vulnerable populations, like the elderly and disabled – and teach local residents about fire safety and escape plans. Red Cross

volunteers also teach businesses, children, and community organizations how to prepare before a disaster strikes.

“Today, we celebrate the month of March as American Red Cross Month and honor and congratulate them for 100 years of service. Joining us on the floor is CEO of Red Cross Hawaii Coralie Matayoshi; Randy Harris, board member and vice chair for Red Cross Hawaii; and Katherine Lagareta is also a board member and secretary for Red Cross Hawaii. Thank you to the Red Cross for your service to our state, and here’s to another 100 years of service.”

At 11:49 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 a.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 373 and 374) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 373, transmitting H.B. No. 100, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 2017, was placed on file.

On motion by Senator Espero, seconded by Senator Galuteria and carried, H.B. No. 100, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE STATE BUDGET,” passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 374, transmitting H.B. No. 335, H.D. 2, which passed Third Reading in the House of Representatives on March 15, 2017, was placed on file.

On motion by Senator Espero, seconded by Senator Galuteria and carried, H.B. No. 335, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS,” passed First Reading by title and was referred to the Committee on Hawaiian Affairs, then to the Committee on Ways and Means.

STANDING COMMITTEE REPORT

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 923) recommending that H.B. No. 186, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Galuteria and carried, the report of the Committee was adopted and H.B. No. 186, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COFFEE BERRY BORER BEETLE,” passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of Senate resolutions offered on Tuesday, March 7, 2017; Thursday, March 9, 2017; and Friday, March 10, 2017:

S.R. No.: Referred to:

S.R. No. 25 Jointly to the Committee on Agriculture and Environment and the Committee on Water and Land, then to the Committee on Ways and Means

S.R. No. 26 Committee on Agriculture and Environment, then to the Committee on Ways and Means

S.R. No. 27 Committee on Economic Development, Tourism, and Technology, then to the Committee on Ways and Means

S.R. No. 28 Jointly to the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Economic Development, Tourism, and Technology, then to the Committee on Ways and Means

S.R. No. 29 Committee on Transportation and Energy, then to the Committee on Ways and Means

S.R. No. 30 Committee on Judiciary and Labor

S.R. No. 31 Jointly to the Committee on Commerce, Consumer Protection, and Health and the Committee on Government Operations

S.R. No. 32 Jointly to the Committee on Hawaiian Affairs and the Committee on Water and Land, then to the Committee on Ways and Means

S.R. No. 33 Committee on Hawaiian Affairs, then to the Committee on Ways and Means

S.R. No. 34 Jointly to the Committee on Water and Land and the Committee on Agriculture and Environment and the Committee on Public Safety, Intergovernmental, and Military Affairs, then to the Committee on Ways and Means

S.R. No. 35 Jointly to the Committee on Hawaiian Affairs and the Committee on Education, then to the Committee on Ways and Means

S.R. No. 36 Jointly to the Committee on Transportation and Energy and the Committee on Water and Land and the Committee on Public Safety, Intergovernmental, and Military Affairs, then to the Committee on Ways and Means

S.R. No. 37 Committee on Economic Development, Tourism, and Technology, then to the Committee on Ways and Means

S.R. No. 38 Jointly to the Committee on Judiciary and Labor and the Committee on Public Safety, Intergovernmental, and Military Affairs, then to the Committee on Ways and Means

S.R. No. 39 Committee on Education, then to the Committee on Ways and Means

S.R. No. 40 Jointly to the Committee on Water and Land and the Committee on Agriculture and Environment, then to the Committee on Ways and Means

S.R. No. 41 Committee on Judiciary and Labor, then to the Committee on Ways and Means

S.R. No. 42 Jointly to the Committee on Government Operations and the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Agriculture and Environment, then to the Committee on Ways and Means

S.R. No. 43 Jointly to the Committee on Commerce, Consumer Protection, and Health and the Committee on Agriculture and Environment

S.R. No. 44 Jointly to the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Judiciary and Labor, then to the Committee on Ways and Means

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| S.R. No. 45 | Jointly to the Committee on Housing and the Committee on Commerce, Consumer Protection, and Health | S.R. No. 64 | Jointly to the Committee on Higher Education and the Committee on International Affairs and the Arts, then to the Committee on Judiciary and Labor |
| S.R. No. 46 | Jointly to the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Water and Land, then to the Committee on Judiciary and Labor | S.R. No. 65 | Committee on Housing, then to the Committee on Ways and Means |
| S.R. No. 47 | Jointly to the Committee on Transportation and Energy and the Committee on Water and Land, then to the Committee on Ways and Means | S.R. No. 66 | Committee on Transportation and Energy, then to the Committee on Ways and Means |
| S.R. No. 48 | Jointly to the Committee on International Affairs and the Arts and the Committee on Judiciary and Labor, then to the Committee on Ways and Means | S.R. No. 67 | Jointly to the Committee on Housing and the Committee on Public Safety, Intergovernmental, and Military Affairs, then to the Committee on Ways and Means |
| S.R. No. 49 | Jointly to the Committee on Government Operations and the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Transportation and Energy, then to the Committee on Ways and Means | S.R. No. 68 | Jointly to the Committee on Higher Education and the Committee on International Affairs and the Arts and the Committee on Economic Development, Tourism, and Technology, then to the Committee on Ways and Means |
| S.R. No. 50 | Committee on Judiciary and Labor, then to the Committee on Ways and Means | S.R. No. 69 | Committee on Commerce, Consumer Protection, and Health, then to the Committee on Ways and Means |
| S.R. No. 51 | Jointly to the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Transportation and Energy, then to the Committee on Commerce, Consumer Protection, and Health | S.R. No. 70 | Jointly to the Committee on Hawaiian Affairs and the Committee on Commerce, Consumer Protection, and Health, then to the Committee on Ways and Means |
| S.R. No. 52 | Committee on Judiciary and Labor | S.R. No. 71 | Jointly to the Committee on Hawaiian Affairs and the Committee on International Affairs and the Arts |
| S.R. No. 53 | Committee on Economic Development, Tourism, and Technology, then to the Committee on Ways and Means | S.R. No. 72 | Jointly to the Committee on Agriculture and Environment and the Committee on Economic Development, Tourism, and Technology, then to the Committee on Ways and Means |
| S.R. No. 54 | Jointly to the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Judiciary and Labor, then to the Committee on Ways and Means | S.R. No. 73 | Jointly to the Committee on Hawaiian Affairs and the Committee on Commerce, Consumer Protection, and Health and the Committee on Public Safety, Intergovernmental, and Military Affairs |
| S.R. No. 55 | Committee on Public Safety, Intergovernmental, and Military Affairs, then to the Committee on Judiciary and Labor | S.R. No. 74 | Jointly to the Committee on Hawaiian Affairs and the Committee on International Affairs and the Arts |
| S.R. No. 56 | Jointly to the Committee on Economic Development, Tourism, and Technology and the Committee on Government Operations, then to the Committee on Ways and Means | S.R. No. 75 | Committee on International Affairs and the Arts |
| S.R. No. 57 | Jointly to the Committee on Human Services and the Committee on Judiciary and Labor | S.R. No. 76 | Committee on Economic Development, Tourism, and Technology, then to the Committee on Commerce, Consumer Protection, and Health |
| S.R. No. 58 | Committee on Education, then to the Committee on Ways and Means | S.R. No. 77 | Committee on Transportation and Energy, then to the Committee on Commerce, Consumer Protection, and Health |
| S.R. No. 59 | Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Ways and Means | S.R. No. 78 | Jointly to the Committee on Education and the Committee on Higher Education |
| S.R. No. 60 | Committee on Higher Education, then to the Committee on Ways and Means | S.R. No. 79 | Jointly to the Committee on Government Operations and the Committee on Public Safety, Intergovernmental, and Military Affairs, then jointly to the Committee on Commerce, Consumer Protection, and Health and the Committee on Ways and Means |
| S.R. No. 61 | Committee on Education, then to the Committee on Ways and Means | S.R. No. 80 | Committee on Education, then to the Committee on Ways and Means |
| S.R. No. 62 | Jointly to the Committee on Hawaiian Affairs and the Committee on Transportation and Energy and the Committee on Public Safety, Intergovernmental, and Military Affairs, then to the Committee on Ways and Means | S.R. No. 81 | Committee on Education, then to the Committee on Ways and Means |
| S.R. No. 63 | Committee on International Affairs and the Arts, then to the Committee on Ways and Means | | |

- S.R. No. 82 Committee on Education, then to the Committee on Ways and Means
- S.R. No. 83 Committee on Public Safety, Intergovernmental, and Military Affairs, then to the Committee on Ways and Means
- S.R. No. 84 Jointly to the Committee on Economic Development, Tourism, and Technology and the Committee on Higher Education, then to the Committee on Ways and Means
- S.R. No. 85 Committee on Education, then to the Committee on Ways and Means
- S.R. No. 86 Jointly to the Committee on Agriculture and Environment and the Committee on Public Safety, Intergovernmental, and Military Affairs, then to the Committee on Commerce, Consumer Protection, and Health
- S.R. No. 87 Committee on Agriculture and Environment
- S.R. No. 88 Jointly to the Committee on Hawaiian Affairs and the Committee on Agriculture and Environment, then to the Committee on Ways and Means
- S.R. No. 89 Committee on Higher Education, then to the Committee on Ways and Means
- S.R. No. 90 Jointly to the Committee on Water and Land and the Committee on Agriculture and Environment and the Committee on Housing, then to the Committee on Ways and Means
- S.R. No. 91 Jointly to the Committee on International Affairs and the Arts and the Committee on Water and Land
- S.R. No. 92 Jointly to the Committee on Economic Development, Tourism, and Technology and the Committee on Hawaiian Affairs and the Committee on International Affairs and the Arts

RE-REFERRAL OF A HOUSE BILL

The Chair re-referred the following House bill that was received:

- H.B. No.: Re-referred to:
- H.B. No. 672, H.D. 2 Committee on Education, then jointly to the Committee on Commerce, Consumer Protection, and Health and the Committee on Ways and Means

RE-REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The Chair re-referred the following Senate concurrent resolutions that were offered:

- S.C.R. No.: Re-referred to:
- S.C.R. No. 68 Committee on Agriculture and Environment, then to the Committee on Ways and Means
- S.C.R. No. 90 Committee on Agriculture and Environment, then to the Committee on Ways and Means
- S.C.R. No. 151 Committee on Agriculture and Environment, then to the Committee on Ways and Means

RE-REFERRAL OF A SENATE RESOLUTION

The Chair re-referred the following Senate resolution that was offered:

- S.R. No.: Re-referred to:
- S.R. No. 72 Committee on Agriculture and Environment, then to the Committee on Ways and Means

RE-REFERRAL OF MESSAGES FROM THE GOVERNOR

The Chair re-referred the following messages from the Governor that were received:

- Gov. Msg. No.: Re-referred to:
- Gov. Msg. No. 626 Committee on International Affairs and the Arts
- Gov. Msg. No. 627 Committee on International Affairs and the Arts
- Gov. Msg. No. 628 Committee on International Affairs and the Arts
- Gov. Msg. No. 629 Committee on International Affairs and the Arts
- Gov. Msg. No. 630 Committee on International Affairs and the Arts
- Gov. Msg. No. 631 Committee on International Affairs and the Arts
- Gov. Msg. No. 632 Committee on International Affairs and the Arts
- Gov. Msg. No. 633 Committee on International Affairs and the Arts
- Gov. Msg. No. 634 Committee on International Affairs and the Arts
- Gov. Msg. No. 635 Committee on International Affairs and the Arts
- Gov. Msg. No. 636 Committee on International Affairs and the Arts
- Gov. Msg. No. 637 Committee on International Affairs and the Arts
- Gov. Msg. No. 638 Committee on International Affairs and the Arts

At this time, Senator Baker rose to commend the attorney general for the handling of the case against the immigration ban, noting that she and Senator Green, along with Directors Pressler and Bhanot, had an opportunity to present some issues from Hawai'i to the Conference of Western Attorneys General, and were there when the decision's announcement came down. Senator Baker remarked that it was to the credit of the attorney general in understanding Hawai'i's history, that it was appropriate that Hawai'i be the state to be the first in this round to say that the ban was not constitutional; the federal district judge upheld it and made it a nationwide stay of the order, with a judge in Maryland also making the same decision later that day. Senator Baker commented that, based on what she's read, the foundation of Hawai'i's suit was stronger and more likely to withstand being overturned, and applauded the attorney general. Senator Baker then asked colleagues on the fifth floor to please send down the nominations to the professional vocational licensing boards as there were only ten more session days remaining until the deadline.

ADJOURNMENT

At 11:58 a.m., on motion by Senator Espero, seconded by Senator Galuteria and carried, the Senate adjourned until 11:30 a.m., Friday, March 17, 2017.