

TWENTY-SECOND DAY

Wednesday, February 21, 2018

The Senate of the Twenty-Ninth Legislature of the State of Hawai'i, Regular Session of 2018, convened at 11:32 a.m. with the President in the Chair.

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

The President announced that he had read and approved the Journal of the Twenty-First Day.

At this time, Senator Espero introduced a business delegation from Jenhi, South Korea, which included Mr. Sam Sup Wee, Mayor of Jenhi, and Mr. Park, president of the Korean Veteran's Association, as well as Joseph Burns, director of the Hawai'i Small Business Development Center – O'ahu Center.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 570 to 589 and 1101) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 570, submitting for consideration and confirmation to the Island Burial Council, Island of Moloka'i, the nomination of NILES SOARES, term to expire June 30, 2018, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 571, submitting for consideration and confirmation to the Island Burial Council, Island of Moloka'i, the nomination of NILES SOARES, term to expire June 30, 2022, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 572, submitting for consideration and confirmation to the Hawai'i Medical Education Council, the nomination of TODD SETO, term to expire June 30, 2019, was referred to the Committee on Higher Education.

Gov. Msg. No. 573, submitting for consideration and confirmation to the Disability and Communication Access Board, the nomination of ANTHONY AKAMINE, term to expire June 30, 2022, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 574, submitting for consideration and confirmation to the Disability and Communication Access Board, the nomination of DEAN GEORGIEV, term to expire June 30, 2021, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 575, submitting for consideration and confirmation to the Disability and Communication Access Board, the nomination of AMY TSUJI-JONES, term to expire June 30, 2019, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 576, submitting for consideration and confirmation to the Disability and Communication Access Board, the nomination of VIOLET HORVATH, term to expire June 30, 2022, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 577, submitting for consideration and confirmation to the Disability and Communication Access Board, the nomination of RONALD AWA, term to expire June 30, 2022, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 578, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of MAUREEN BATES, term to

expire June 30, 2019, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 579, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of PHILIP ANA, term to expire June 30, 2021, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 580, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of MICHELLE MURALT, term to expire June 30, 2020, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 581, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of SHANA METSCH, term to expire June 30, 2021, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 582, submitting for consideration and confirmation to the State Board of Naturopathic Medicine, the nomination of KRISTEN COLES, term to expire June 30, 2020, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 583, submitting for consideration and confirmation to the Board of Pharmacy, the nomination of ALANNA ISOBE, term to expire June 30, 2022, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 584, submitting for consideration and confirmation to the State Board of Massage Therapy, the nomination of SAMANTHA MEEHAN-VANDIKE, term to expire June 30, 2022, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 585, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nomination of BRENDON LEE, term to expire June 30, 2018, was referred to the Committee on Judiciary.

Gov. Msg. No. 586, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nomination of BRENDON LEE, term to expire June 30, 2022, was referred to the Committee on Judiciary.

Gov. Msg. No. 587, submitting for consideration and confirmation to the Hawai'i Advisory Council on Emergency Management, the nomination of RICHARD MINATOYA, term to expire June 30, 2022, was referred to the Committee on Public Safety, Intergovernmental, and Military Affairs.

Gov. Msg. No. 588, submitting for consideration and confirmation to the Hawai'i Advisory Council on Emergency Management, the nomination of GERALD SILVA, term to expire June 30, 2018, was referred to the Committee on Public Safety, Intergovernmental, and Military Affairs.

Gov. Msg. No. 589, submitting for consideration and confirmation to the Hawai'i Advisory Council on Emergency Management, the nomination of GERALD SILVA, term to expire June 30, 2022, was referred to the Committee on Public Safety, Intergovernmental, and Military Affairs.

Gov. Msg. No. 1101, informing the Senate that on February 20, 2018, the Governor signed into law House Bill No. 2600 as Act 1, entitled: "MAKING APPROPRIATIONS

TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, THE OMBUDSMAN, AND THE ETHICS COMMISSION,” was placed on file.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 325 to 339) were read by the Clerk and were placed on file:

Dept. Com. No. 325, from the University of Hawai‘i System dated January 23, 2018, transmitting the Report on a Coordinated Framework of Support for Preschool and Post-Secondary Agriculture Education pursuant to S.R. No. 80 (2015).

Dept. Com. No. 326, from the University of Hawai‘i System dated January 24, 2018, transmitting a report of hire pursuant to Act 49, Section 96, SLH 2017.

Dept. Com. No. 327, from the Department of Education dated January 24, 2018, transmitting the Report on Restraint and Seclusion pursuant to Section 302A-1141.4, HRS.

Dept. Com. No. 328, from the Department of Business, Economic Development, and Tourism dated January 29, 2018, transmitting its 2017 Annual Report pursuant to Section 201-10, HRS.

Dept. Com. No. 329, from the Department of Public Safety dated January 31, 2018, transmitting the Special Duty for Deputy Sheriff’s Report pursuant to Act 75, SLH 2017.

Dept. Com. No. 330, from the University of Hawai‘i System dated January 31, 2018, transmitting a report of hire pursuant to Act 49, Section 96, SLH 2017.

Dept. Com. No. 331, from the Department of Business, Economic Development, and Tourism dated February 1, 2018, transmitting the Report on the Creative Lab Hawaii Program pursuant to Act 124, SLH 2016.

Dept. Com. No. 332, from the Office of the Auditor dated February 1, 2018, informing the Senate that the financial and compliance audit report of the Department of Hawaiian Home Lands for the fiscal year ending June 30, 2017, was issued on December 21, 2017, as directed by Article VII, Section 10, of the State Constitution, and as authorized by Chapter 23, HRS.

Dept. Com. No. 333, from the University of Hawai‘i System dated February 2, 2018, transmitting the 2017 Annual Report of the Research Corporation of the University of Hawai‘i pursuant to Section 304A-3007, HRS.

Dept. Com. No. 334, from the Legislative Reference Bureau dated January 25, 2018, transmitting the Report of the Affordable Health Insurance Working Group pursuant to Act 43, SLH 2017.

Dept. Com. No. 335, from the Department of Accounting and General Services dated February 1, 2018, transmitting the Hawaii State Foundation on Culture and the Arts Annual Report for Fiscal Year 2016-2017 pursuant to Section 9-3(8), HRS.

Dept. Com. No. 336, from the Office of the Auditor dated February 6, 2018, informing the Senate that the financial audit report of the Department of Transportation, Harbors Division for the fiscal year ending June 30, 2017, was issued on December 21, 2017, as directed by Article VII, Section 10, of the State Constitution, and as authorized by Chapter 23, HRS.

Dept. Com. No. 337, from the University of Hawai‘i System dated February 7, 2018, transmitting a report of hire pursuant to Act 49, Section 96, SLH 2017.

Dept. Com. No. 338, from the Office of the Auditor dated February 9, 2018, informing the Senate that the financial audit

report of the State Comprehensive Annual Financial Report for the fiscal year ending June 30, 2017, was issued on December 28, 2017, as directed by Article VII, Section 10, of the State Constitution, and as authorized by Chapter 23, HRS.

Dept. Com. No. 339, from the Office of the Auditor dated February 13, 2018, transmitting the report, “Audit of the Office of Hawaiian Affairs” (Report No. 18-03) pursuant to Section 10-14.55, HRS.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 4 to 7) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 4, transmitting H.B. No. 1667, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2018, was placed on file.

On motion by Senator Espero, seconded by Senator English and carried, H.B. No. 1667, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROBATION,” passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 5, transmitting H.B. No. 1771, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2018, was placed on file.

On motion by Senator Espero, seconded by Senator English and carried, H.B. No. 1771, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MATERIAL WITNESS ORDERS,” passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 6, transmitting H.B. No. 1773, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2018, was placed on file.

On motion by Senator Espero, seconded by Senator English and carried, H.B. No. 1773, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SEARCH WARRANTS,” passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 7, transmitting H.B. No. 1777, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2018, was placed on file.

On motion by Senator Espero, seconded by Senator English and carried, H.B. No. 1777, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LESSER INCLUDED OFFENSES,” passed First Reading by title and was referred to the Committee on Judiciary.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 31) was read by the Clerk and was deferred:

S.C.R. No. 31 “SENATE CONCURRENT RESOLUTION REQUESTING THE STATE FOUNDATION ON CULTURE AND THE ARTS TO BUILD AND ERECT A STATUE OF PRESIDENT BARACK OBAMA.”

Offered by: Senators Espero, Baker, Chang, Galuteria, Inouye, Keith-Agaran, Rhoads, Ruderman, Shimabukuro, Gabbard, Kim, Nishihara, Thielen, Wakai.

SENATE RESOLUTION

The following resolution (S.R. No. 15) was read by the Clerk and was deferred:

S.R. No. 15 “SENATE RESOLUTION REQUESTING THE STATE FOUNDATION ON CULTURE AND THE ARTS

TO BUILD AND ERECT A STATUE OF PRESIDENT BARACK OBAMA.”

Offered by: Senators Espero, Baker, Chang, Galuteria, Inouye, Keith-Agaran, Rhoads, Shimabukuro, Gabbard, Kim, Nishihara, Thielen, Wakai.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 2522) recommending that S.B. No. 2659, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.B. No. 2659, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MEDICAL CANNABIS PRODUCTS,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 1, 2018.

Senators Kidani and Kim, for the Committee on Education and the Committee on Government Operations, presented a joint report (Stand. Com. Rep. No. 2523) recommending that S.B. No. 2382, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator English and carried, the joint report of the Committees was adopted and S.B. No. 2382, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC CHARTER SCHOOLS,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 1, 2018.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2524) recommending that S.B. No. 2921, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.B. No. 2921, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STATE LIBRARY SYSTEM,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 1, 2018.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2525) recommending that S.B. No. 3002, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.B. No. 3002, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LIBRARIES,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 1, 2018.

Senator Taniguchi, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2526) recommending that S.B. No. 2583 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.B. No. 2583, entitled: “A BILL FOR AN ACT RELATING TO INTERNATIONAL YOGA DAY,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 1, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 2527) recommending that S.B. No. 2201, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.B. No. 2201, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BOARDS,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 1, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 2528) recommending that S.B. No. 2053, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.B. No. 2053, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 1, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 2529) recommending that S.B. No. 2258, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.B. No. 2258, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LICENSING,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 1, 2018.

Senator Baker, Chair of the Committee on Commerce, Consumer Protection, and Health, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following measures:

S.B. No. 36, S.D. 1;
S.B. No. 2710;
S.B. No. 2711; and
S.B. No. 3094.

Senator Baker noted:

“The first measure is Senate Bill 36: We really do need to hear this bill. It addresses concerns with Spectrum and our PEG channels and where the PEG channels will be moved in the channel lineup. We’ve understood that Spectrum is already telling ‘Ōlelo here on O‘ahu that they’re going to be migrating by the end of March, so this legislation is most timely. The other measures have to do with intoxicating liquor, prescription drugs that came to us from PSM on a late re-referral, so we’d like to hear these measures and move them forward. Thank you.”

The Chair granted the waiver.

Senator Baker announced that the Committee on Commerce, Consumer Protection, and Health would be holding a public hearing on S.B. No. 36, S.D. 1; S.B. No. 2710; and S.B. No. 2711 the following day at 9:30 a.m. in Conference Room 229.

Senator Baker also announced that the Committee on Commerce, Consumer Protection, and Health and the Committee on Judiciary would be holding a joint public hearing on S.B. No. 3094 the following day at 9:00 a.m. in Conference Room 229.

ADJOURNMENT

At 11:38 a.m., on motion by Senator Espero, seconded by Senator English and carried, the Senate adjourned until 11:30 a.m., Thursday, March 1, 2018.