

## THIRTY-SECOND DAY

Friday, March 16, 2018

The Senate of the Twenty-Ninth Legislature of the State of Hawai'i, Regular Session of 2018, 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 Chang, English, Harimoto, Kahele, and Tokuda who were excused.

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

At this time, Senator Nishihara welcomed visitors from the YMCA of Honolulu, including president and CEO Michael Broderick and members of his staff, who were seated in the gallery.

Senator Kim recognized and honored Gustav H. Webling Elementary School on the occasion of its fiftieth anniversary, and presented the following remarks:

"Mr. President, education has always been a priority for me, and I attended public schools throughout my life. During my school years, I was encouraged and motivated – as many of you were – by our teachers, our counselors, and our coaches. Therefore, it's a pleasure to recognize the individuals and institutions that have shaped our lives and so many of our island children's lives, and have developed outstanding citizens and contributors to our nation and state. I speak of our public schools and, today, we honor one school that is celebrating 50 years of educating our children, and that school is Gustav H. Webling Elementary School.

"Now, Webling Elementary, for those of you who don't know where that is, sits in Hālawā Heights, and began as a two-building school on February 26, 1968. If you can, picture 300 students temporarily housed at 'Aiea Elementary School, walking from 'Aiea Elementary to their new school, with the fourth- and fifth-graders walking and the younger children riding the bus. Today, it is a school that houses three classroom buildings, two portables, a cafeteria, an administration building, and a play court. And from 18 faculty and staff, there are now 50 full-time faculty and staff. Our principal, Chad Matsuda, his faculty, and staff look after nearly 500 students in their care. They provide a challenging and meaningful, safe, educational environment for their students with emphasis on academic achievement, leadership skills, character education, and cultural pride. But while much has changed during the past half-century, the commitment of Mr. Matsuda and his faculty and staff has remained undiminished by time, and we honor them today for their service, their dedication, and their professionalism. On the fiftieth anniversary of Gustav H. Webling Elementary School, I invite my colleagues to join me in congratulating principal Chad Matsuda. Up in the gallery is his parent-community network coordinator, Christine Haramura. We thank her for being part of the educational community that provides an enriching environment for the children of Hawai'i, and we look forward to your celebration in the next several months that you'll be having for the fiftieth anniversary."

At 11:40 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:43 a.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 639 to 651) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 639, submitting for consideration and confirmation to the Medical Advisory Board, the nomination of JOHN CORBOY, term to expire June 30, 2022, was referred to the Committee on Transportation and Energy.

Gov. Msg. No. 640, submitting for consideration and confirmation to the Medical Advisory Board, the nomination of ALAN STEIN, term to expire June 30, 2022, was referred to the Committee on Transportation and Energy.

Gov. Msg. No. 641, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nomination of GEANINE GOMES, term to expire June 30, 2020, was referred to the Committee on Judiciary.

Gov. Msg. No. 642, submitting for consideration and confirmation to the Crime Victim Compensation Commission, the nomination of MARTHA ROSS, term to expire June 30, 2022, was referred to the Committee on Public Safety, Intergovernmental, and Military Affairs.

Gov. Msg. No. 643, submitting for consideration and confirmation to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances, the nomination of KENNETH TANO, term to expire June 30, 2022, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 644, submitting for consideration and confirmation to the Disability and Communication Access Board, the nomination of PHYLLIS MEIGHEN, term to expire June 30, 2022, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 645, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of SUSAN LEE, term to expire June 30, 2022, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 646, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of ELIZABETH HOBAN, term to expire June 30, 2022, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 647, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of ROSE HATA, term to expire June 30, 2020, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 648, submitting for consideration and confirmation to the Board of Massage Therapy, the nomination of OLIVIA NAGASHIMA, term to expire June 30, 2022, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 649, submitting for consideration and confirmation to the State Board of Public Accountancy, the nomination of GARY MIYASHIRO, term to expire June 30, 2022, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 650, submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, the nomination of LESLIE MURASHIGE, term to expire June 30, 2022, was referred to the Committee on Education.

Gov. Msg. No. 651, submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, the

nomination of BRANDEN KAWAZOE, term to expire June 30, 2022, was referred to the Committee on Education.

#### DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 349 to 356) were read by the Clerk and were placed on file:

Dept. Com. No. 349, from the University of Hawai'i System dated February 21, 2018, transmitting a report of hire pursuant to Act 49, Section 96, SLH 2017.

Dept. Com. No. 350, from the Department of Health dated February 22, 2018, transmitting the Report on the Implementation of the State Plan pursuant to Section 333E-3(5), HRS.

Dept. Com. No. 351, from the Office of the Auditor dated February 28, 2018, transmitting the report, "Audit of the Public Utilities Commission" (Report No. 18-05) pursuant to Article VII, Section 10, of the State Constitution and Act 198, SLH 2017.

Dept. Com. No. 352, from the University of Hawai'i System dated February 28, 2018, transmitting a report of hire pursuant to Act 49, Section 96, SLH 2017.

Dept. Com. No. 353, from the Office of the Auditor dated March 1, 2018, transmitting the Analyses of Proposed Special and Revolving Funds 2018 Report, pursuant to Section 23-11, HRS.

Dept. Com. No. 354, from the Department of Health, dated March 2, 2018, transmitting The State Environmental Council, The State Office of Environmental Quality Control, Annual Report 2017, pursuant to Section 341-6, HRS.

Dept. Com. No. 355, from the University of Hawaii System, dated March 7, 2018, transmitting a report of hire, pursuant to Act 49, Section 96, SLH 2017.

Dept. Com. No. 356, from the Office of the Auditor, dated March 8, 2018, transmitting the Financial Audit of the Department of Transportation, Highways Division, pursuant to Article VII, Section 10, of the State Constitution, and as authorized by Chapter 23, HRS.

#### JUDICIARY COMMUNICATION

The following communication from the Judiciary (Jud. Com. No. 4) was read by the Clerk and was placed on file:

Jud. Com. No. 4, dated March 1, 2018, transmitting the Report Relating to Wire, Oral, or Electronic Communications and Reports Concerning Pen Registers and Trap and Trace Devices pursuant to Section 803-47(b), HRS.

#### STANDING COMMITTEE REPORTS

Senator Wakai, for the Committee on Economic Development, Tourism, and Technology, presented a report (Stand. Com. Rep. No. 2956) recommending that H.B. No. 2558, H.D. 2, 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. 2558, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CREATIVE LAB HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Wakai, for the Committee on Economic Development, Tourism, and Technology, presented a report (Stand. Com. Rep. No. 2957) recommending that H.B. No. 2084, 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. 2084, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TECHNOLOGY DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Ways and Means.

#### ORDER OF THE DAY

##### REFERRAL OF

##### SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of Senate concurrent resolutions offered on Friday, March 9, 2018:

S.C.R. No.:	Referred to:
S.C.R. No. 150	Jointly to the Committee on Commerce, Consumer Protection, and Health and the Committee on Judiciary
S.C.R. No. 151	Jointly to the Committee on Commerce, Consumer Protection, and Health and the Committee on Public Safety, Intergovernmental, and Military Affairs, then to the Committee on Judiciary
S.C.R. No. 152	Committee on Government Operations, then to the Committee on Ways and Means
S.C.R. No. 153	Committee on Judiciary
S.C.R. No. 154	Committee on Labor
S.C.R. No. 155	Jointly to the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Judiciary
S.C.R. No. 156	Jointly to the Committee on Commerce, Consumer Protection, and Health and the Committee on Human Services
S.C.R. No. 157	Jointly to the Committee on Agriculture and Environment and the Committee on Commerce, Consumer Protection, and Health
S.C.R. No. 158	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.C.R. No. 159	Jointly to the Committee on Education and the Committee on Economic Development, Tourism, and Technology, then to the Committee on Ways and Means
S.C.R. No. 160	Committee on Education, then to the Committee on Ways and Means
S.C.R. No. 161	Jointly to the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Government Operations, then to the Committee on Ways and Means
S.C.R. No. 162	Committee on Education
S.C.R. No. 163	Committee on Government Operations
S.C.R. No. 164	Jointly to the Committee on Agriculture and Environment and the Committee on Economic Development, Tourism, and Technology
S.C.R. No. 165	Committee on Agriculture and Environment, then to the Committee on Ways and Means
S.C.R. No. 166	Committee on Higher Education, then to the Committee on Ways and Means

S.C.R. No. 167	Committee on Agriculture and Environment, then to the Committee on Commerce, Consumer Protection, and Health	Safety, Intergovernmental, and Military Affairs
S.C.R. No. 168	Committee on Education, then to the Committee on Ways and Means	S.C.R. No. 186 Jointly to the Committee on Judiciary and the Committee on Transportation and Energy
S.C.R. No. 169	Jointly to the Committee on Higher Education and the Committee on Agriculture and Environment and the Committee on Water and Land, then to the Committee on Ways and Means	S.C.R. No. 187 Committee on Transportation and Energy
S.C.R. No. 170	Committee on Government Operations, then to the Committee on Ways and Means	S.C.R. No. 188 Jointly to the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Transportation and Energy
S.C.R. No. 171	Jointly to the Committee on Economic Development, Tourism, and Technology and the Committee on Agriculture and Environment, then to the Committee on Ways and Means	S.C.R. No. 189 Jointly to the Committee on Economic Development, Tourism, and Technology and the Committee on Education, then to the Committee on Ways and Means
S.C.R. No. 172	Committee on Public Safety, Intergovernmental, and Military Affairs, then to the Committee on Commerce, Consumer Protection, and Health	S.C.R. No. 190 Jointly to the Committee on Water and Land and the Committee on Economic Development, Tourism, and Technology, then to the Committee on Ways and Means
S.C.R. No. 173	Committee on Commerce, Consumer Protection, and Health	S.C.R. No. 191 Jointly to the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Transportation and Energy
S.C.R. No. 174	Jointly to the Committee on Judiciary and the Committee on Education	S.C.R. No. 192 Jointly to the Committee on Government Operations and the Committee on Public Safety, Intergovernmental, and Military Affairs, then to the Committee on Ways and Means
S.C.R. No. 175	Jointly to the Committee on Transportation and Energy and the Committee on Public Safety, Intergovernmental, and Military Affairs	S.C.R. No. 193 Jointly to the Committee on Government Operations and the Committee on Public Safety, Intergovernmental, and Military Affairs, then to the Committee on Ways and Means
S.C.R. No. 176	Jointly to the Committee on Transportation and Energy and the Committee on Public Safety, Intergovernmental, and Military Affairs	S.C.R. No. 194 Jointly to the Committee on Education and the Committee on Judiciary
S.C.R. No. 177	Jointly to 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.C.R. No. 178	Committee on Judiciary	
S.C.R. No. 179	Jointly to the Committee on Water and Land and the Committee on Housing, then to the Committee on Ways and Means	
S.C.R. No. 180	Jointly to the Committee on Education and the Committee on Agriculture and Environment, then to the Committee on Ways and Means	
S.C.R. No. 181	Committee on Water and Land	
S.C.R. No. 182	Jointly to the Committee on Higher Education and the Committee on Public Safety, Intergovernmental, and Military Affairs	
S.C.R. No. 183	Committee on Government Operations, then to the Committee on Commerce, Consumer Protection, and Health	
S.C.R. No. 184	Jointly to the Committee on Commerce, Consumer Protection, and Health and the Committee on Transportation and Energy	
S.C.R. No. 185	Jointly to the Committee on Transportation and Energy and the Committee on Public	

#### REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of Senate resolutions offered on Friday, March 9, 2018:

S.R. No.:	Referred to:
S.R. No. 97	Jointly to the Committee on Water and Land and the Committee on Housing, then to the Committee on Ways and Means
S.R. No. 98	Jointly to the Committee on Education and the Committee on Agriculture and Environment, then to the Committee on Ways and Means
S.R. No. 99	Committee on Government Operations, then to the Committee on Ways and Means
S.R. No. 100	Jointly to the Committee on Economic Development, Tourism, and Technology and the Committee on Agriculture and Environment, then to the Committee on Ways and Means
S.R. No. 101	Committee on Public Safety, Intergovernmental, and Military Affairs, then to the Committee on Commerce, Consumer Protection, and Health
S.R. No. 102	Committee on Commerce, Consumer Protection, and Health
S.R. No. 103	Jointly to the Committee on Judiciary and the Committee on Education

S.R. No. 104	Jointly to the Committee on Transportation and Energy and the Committee on Public Safety, Intergovernmental, and Military Affairs	S.R. No. 126	Committee on Agriculture and Environment, then to the Committee on Commerce, Consumer Protection, and Health
S.R. No. 105	Jointly to the Committee on Transportation and Energy and the Committee on Public Safety, Intergovernmental, and Military Affairs	S.R. No. 127	Committee on Education, then to the Committee on Ways and Means
S.R. No. 106	Jointly to 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. 128	Jointly to the Committee on Higher Education and the Committee on Agriculture and Environment and the Committee on Water and Land, then to the Committee on Ways and Means
S.R. No. 107	Committee on Water and Land	S.R. No. 129	Jointly to the Committee on Transportation and Energy and the Committee on Public Safety, Intergovernmental, and Military Affairs
S.R. No. 108	Jointly to the Committee on Higher Education and the Committee on Public Safety, Intergovernmental, and Military Affairs	S.R. No. 130	Jointly to the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Transportation and Energy
S.R. No. 109	Committee on Government Operations, then to the Committee on Commerce, Consumer Protection, and Health	S.R. No. 131	Jointly to the Committee on Education and the Committee on Judiciary
S.R. No. 110	Jointly to the Committee on Commerce, Consumer Protection, and Health and the Committee on Judiciary	S.R. No. 132	Jointly to the Committee on Government Operations and the Committee on Public Safety, Intergovernmental, and Military Affairs, then to the Committee on Ways and Means
S.R. No. 111	Jointly to the Committee on Commerce, Consumer Protection, and Health and the Committee on Public Safety, Intergovernmental, and Military Affairs, then to the Committee on Judiciary	S.R. No. 133	Jointly to the Committee on Government Operations and the Committee on Public Safety, Intergovernmental, and Military Affairs, then to the Committee on Ways and Means
S.R. No. 112	Committee on Government Operations, then to the Committee on Ways and Means	S.R. No. 134	Jointly to the Committee on Commerce, Consumer Protection, and Health and the Committee on Transportation and Energy
S.R. No. 113	Committee on Judiciary	S.R. No. 135	Jointly to the Committee on Judiciary and the Committee on Transportation and Energy
S.R. No. 114	Committee on Labor	S.R. No. 136	Committee on Transportation and Energy
S.R. No. 115	Jointly to the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Judiciary	S.R. No. 137	Jointly to the Committee on Economic Development, Tourism, and Technology and the Committee on Education, then to the Committee on Ways and Means
S.R. No. 116	Jointly to the Committee on Commerce, Consumer Protection, and Health and the Committee on Human Services	S.R. No. 138	Jointly to the Committee on Water and Land and the Committee on Economic Development, Tourism, and Technology, then to the Committee on Ways and Means
S.R. No. 117	Jointly to the Committee on Agriculture and Environment and the Committee on Commerce, Consumer Protection, and Health	S.R. No. 139	Jointly to the Committee on Transportation and Energy and the Committee on Government Operations, then to the Committee on Ways and Means
S.R. No. 118	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. 140	Committee on Transportation and Energy, then to the Committee on Commerce, Consumer Protection, and Health
S.R. No. 119	Committee on Education, then to the Committee on Ways and Means	S.R. No. 141	Jointly to the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Transportation and Energy
S.R. No. 120	Jointly to the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Government Operations, then to the Committee on Ways and Means	S.R. No. 142	Committee on Education, then to the Committee on Ways and Means
S.R. No. 121	Committee on Education	S.R. No. 143	Jointly to the Committee on Economic Development, Tourism, and Technology and the Committee on Transportation and Energy
S.R. No. 122	Committee on Government Operations		
S.R. No. 123	Jointly to the Committee on Agriculture and Environment and the Committee on Economic Development, Tourism, and Technology		
S.R. No. 124	Committee on Agriculture and Environment, then to the Committee on Ways and Means		
S.R. No. 125	Committee on Higher Education, then to the Committee on Ways and Means		

**RE-REFERRAL OF HOUSE BILLS**

The Chair re-referred the following House bills that were received:

H.B. No.:	Re-referred to:
H.B. No. 1489, H.D. 1	Committee on Labor, then jointly to the Committee on Judiciary and the Committee on Ways and Means
H.B. No. 1570, H.D. 1	Committee on Ways and Means
H.B. No. 1985, H.D. 1	Jointly to the Committee on Higher Education and the Committee on Water and Land and the Committee on Ways and Means
H.B. No. 2592, H.D. 1	Committee on Water and Land, then to the Committee on Ways and Means

At this time, Senator Shimabukuro announced that the YMCA had invited the legislators to a luncheon in Conference Room 309 from 12:30 p.m. to 1:30 p.m. that afternoon.

Senator Baker announced that the Women's Legislative Caucus would be holding their annual Easter basket donation drive to benefit clients at the Institute for Human Services, The Salvation Army, and the Windward Spouse Abuse Shelter, and encouraged the members to participate.

Senator Baker continued to speak on a point of personal privilege as follows:

"Members, this morning, we heard House Bill 2739, which is the medical aid in dying bill, and I want to give a shout-out, not only to the committee members, who sat with me through the entire hearing – and it was actually much shorter than last year's – but to the Clerk's office, all of the staff, and Sergeant-at-Arms' staff for helping us to bring people into the hearing room in an orderly manner. We had a time keeper from Clerk's staff who was very diligent about making sure that the timer was activated for each testifier who spoke for two minutes and then we were able to move on to the next testifier. We really couldn't have had a productive hearing, in my view, if we hadn't had all of the support from our agencies: Sergeant-at-Arms and Clerk's office as well as SMA. So thank you all very much on behalf of the Committee on Commerce, Consumer Protection, and Health. Mahalo."

Senator Ruderman rose to speak on a point of personal privilege as follows:

"I'm a few days late in saying this, but on Monday night, we had our second occasional Music Night here at the Capitol, and in addition to thanking everybody who took part in it – including our distinguished senator from Waikīkī – I particularly want to thank the Sergeant-at-Arms office for staying late on several nights and making that all happen. I know you guys worked extra for it; thank you very much. Mahalo to everybody who joined us."

Senator Kidani announced that Education Week would take place the following week, with floor presentations honoring Teachers of the Year, exceptional student science-technology teams, community service-minded students, and the 2018 School Counselor of the Year; as well as other activities to welcome early education advocates, public charter schools, and the annual Friends of the Library of Hawai'i book sale.

The Chair remarked:

"I, too, strongly believe that the cornerstone of a strong democracy is the ability to express a dissenting opinion and being unafraid to do it in a public place. Several years ago, it

seemed pervasive throughout the state that it was to come and be as unruly and rude as you could be and try to intimidate others into silence, and so I can't underscore the words of the CPH chair to our staff, to her, and to the members of the committee for the way in which you conducted the hearing. Also, while I know, Chair Baker, you were in the room conducting the hearing, as I walked outside, we had the sheriff's department; while present, they were present in an inoffensive manner as to not heighten anything. I wanted to express my thanks to the sheriff's department as well, for working with our staff and our members to ensure that anyone from the public was able to get here and be unafraid to express their opinion on the bill before the committee today, and commend each of you on a job well done. So, thank you very much to all of you who were involved."

**ADJOURNMENT**

At 11:51 a.m., on motion by Senator Espero, seconded by Senator Galuteria and carried, the Senate adjourned until 11:30 a.m., Monday, March 19, 2018.