

## FORTY-SECOND DAY

Tuesday, April 3, 2018

The Senate of the Twenty-Ninth Legislature of the State of Hawai'i, Regular Session of 2018, convened at 11:38 a.m. with the President in the Chair.

The Roll was called showing all Senators present.

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

At this time, Senator Shimabukuro welcomed her son and his classmates from Ka Waihona o Ka Na'auao Public Charter School, who were seated in the gallery with teacher Kapua Belay and chaperones Kalei Sagapolutele, Marie Belai, and Osey Costales.

Senator Wakai recognized the Moanalua High School Symphony Orchestra, and presented the following remarks:

"Please allow me to get this presentation off to a magnificent start [plays audio recording]. That was a clip of the overture to *Morning, Noon, and Night in Vienna*, not by the Boston Philharmonic but by our own Moanalua High School symphony in Atlanta just last month. It is with absolute pleasure that I recognize the Moanalua High School Symphony Orchestra and its revered music director, Mr. Elden Seta. Ladies and gentlemen, year after year, this former Milken Award-winning teacher doesn't just rebuild his music program; he reloads it. Last month, Mr. Seta led a group of extraordinary students to this year's American String Teacher Association's National Orchestra Festival. This annual festival brings together renowned orchestras from around the country to receive placement, ratings, comments, and instruction from prolific music leaders. Participation is based upon résumé, credentials, recommendation, and live performance recordings. Moanalua was one of 20 high schools nationwide selected to attend in Atlanta last month. The students' dedication and long rehearsals paid off: The group took first place for the high school full orchestra category and were also named grand champion in the high school division. For decades, Moanalua has distinguished themselves as the premier high school music program in Hawai'i. Now, I've long argued they were probably one of the best in the nation – well, now we have confirmation. This before you, ladies and gentlemen, is the number one music program in America.

"Mr. Seta is joined here by some of his astounding musicians; I'd like to take a moment to recognize them. We have Emiley Hadano, symphony orchestra president; Annika Wong, symphony orchestra vice president; Megan Ganeku, symphony orchestra secretary and concert master; Carissa Miyamoto, symphony orchestra librarian; Efen Enriquez, symphony orchestra equipment manager; and Raidyn Mendez, symphony orchestra equipment manager. How about a round of applause for all of them? Congratulations on making Moanalua and the State of Hawai'i proud; congratulations to you, Mr. Seta, the maestro of this prolific, legendary program at Moanalua."

Senator Dela Cruz commended the Mililani Town Association on celebrating 50 years of leadership and service, and presented the following remarks:

"Colleagues, with all due respect to you and your home districts, I'd like to declare central O'ahu as the best place to call home in the State of Hawai'i. The intent is not to start a debate, although I can understand if you rise in opposition to this. The intent is to recognize that over the past five decades, the vision of developers of Mililani Town and Mililani Mauka as Hawai'i's largest planned community has been fulfilled. The

vision actually dates back 60 years, when Castle & Cooke first conceived of Mililani. A decade later, in 1968, sales of the community's first 800 homes began, and Mililani Town Association was established to guide property use and ensure a safe and secure living environment for all resident families. It is the association's fiftieth anniversary that we recognize today as we welcome MTA's Board of Directors and general manager to the floor.

"In 1986, the National Municipal League named Mililani Hawai'i's only All-American City. The community has been recognized as one of *Money* magazine's Best Places to Live in the U.S. And we all know that Mililani High School – home of the Trojans – consistently ranks at or near the top in the *U.S. News & World Report* compilation of Hawai'i's Best High Schools.

"The list of good things about Mililani and Mililani Mauka could go on and on (besides being the hometown of Senator Kidani). There are 16,000 households and nearly 50,000 residents, 7 recreational centers, and a full calendar of monthly activities for young and old. All of this is the result of careful attention to values cultivated by MTA that encourage positive interactions among neighbors, businesses, and civic organizations.

"Please allow me to introduce MTA's Board of Directors: president Bob Barrett; vice president Senator Michelle Kidani, who has served on the Board for 18 years; board secretary Josie Hart Ka'anehe; and board members Will Kane, Neil Takeda, former State Representative Michael Magaoay, Val Okimoto, Noriko Salangdron, and Glenn Yoshimori – on the board for more than 30 years (Glenn is not able to join us today). Also with us is MTA general manager David O'Neal, and I'd like to take this moment to wish him a happy birthday. I would also like to recognize additional guests in the gallery, MTA staff: Sheryl Kamikawa, executive assistant; Kaleo Perreira, aquatics manager; and Caryn Tangalin, human resources manager. Also with us are Stan and Kaulana Salangdron, husband and daughter of board member Noriko Salangdron.

"Mr. President, the official celebration of the association's fiftieth anniversary will take place on Saturday, April 21, at Mililani High School's football stadium. The program will include music and fireworks, very much in keeping with the town's image as an All-American City. Mahalo to the board, and congratulations to the association."

At 11:48 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 a.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 693 to 740) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 693, informing the Senate that on March 29, 2018, the Governor withdrew the nomination of KENNETH TREMAYNE to the Board of Psychology, under Gov. Msg. No. 620, from consideration by the Senate, was placed on file.

In compliance with Gov. Msg. No. 693, the nomination listed under Gov. Msg. No. 620 was returned.

Gov. Msg. No. 694, submitting for consideration and confirmation as At-Large Member, Chair of the Board of Education, the nomination of CATHERINE PAYNE, term to expire June 30, 2021, was referred to the Committee on Education.

Gov. Msg. No. 695, submitting for consideration and confirmation to the Board of Education, the nomination of DWIGHT TAKENO, term to expire June 30, 2021, was referred to the Committee on Education.

Gov. Msg. No. 696, submitting for consideration and confirmation to the Board of Education, the nomination of MARGARET COX, term to expire June 30, 2021, was referred to the Committee on Education.

Gov. Msg. No. 697, submitting for consideration and confirmation to the State Board of Public Accountancy, the nomination of EDWARD PUNUA, term to expire June 30, 2022, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 698, submitting for consideration and confirmation to the State Board of Public Accountancy, the nomination of CHRISTOPHER LEE, term to expire June 30, 2022, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 699, submitting for consideration and confirmation to the Endangered Species Recovery Committee, the nomination of KAWIKA WINTER, term to expire June 30, 2019, was referred to the Committee on Agriculture and Environment.

Gov. Msg. No. 700, submitting for consideration and confirmation to the Environmental Council, the nomination of MARY BEGIER, term to expire June 30, 2022, was referred to the Committee on Agriculture and Environment.

Gov. Msg. No. 701, submitting for consideration and confirmation to the Environmental Council, the nomination of ROBERT PARSONS, term to expire June 30, 2022, was referred to the Committee on Agriculture and Environment.

Gov. Msg. No. 702, submitting for consideration and confirmation to the Environmental Council, the nomination of NICOLE TUTEUR, term to expire June 30, 2022, was referred to the Committee on Agriculture and Environment.

Gov. Msg. No. 703, submitting for consideration and confirmation to the Environmental Council, the nomination of STEPHANIE DUNBAR-CO, term to expire June 30, 2022, was referred to the Committee on Agriculture and Environment.

Gov. Msg. No. 704, submitting for consideration and confirmation to the Board of Agriculture, the nomination of JOE TANAKA, term to expire June 30, 2020, was referred to the Committee on Agriculture and Environment.

Gov. Msg. No. 705, submitting for consideration and confirmation to the Game Management Advisory Commission, the nomination of STANLEY RUIDAS, term to expire June 30, 2022, was referred to the Committee on Water and Land.

Gov. Msg. No. 706, submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, the nomination of GARY SIMON, term to expire June 30, 2022, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 707, submitting for consideration and confirmation to the Disability and Communication Access Board, the nomination of ROSANNA DANIEL-KANETAKE, term to expire June 30, 2022, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 708, submitting for consideration and confirmation to the Elevator Mechanics Licensing Board, the nomination of STEVE TSUNEMOTO, term to expire June 30, 2022, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 709, submitting for consideration and confirmation to the State Board of Naturopathic Medicine, the nomination of KATHRYN TAKETA-WONG, term to expire June 30, 2022, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 710, submitting for consideration and confirmation to the Board of Electricians and Plumbers, the nomination of MARC TONG, term to expire June 30, 2022, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 711, submitting for consideration and confirmation to the Motor Vehicle Repair Industry Board, the nomination of MICHAEL TETSUTANI, term to expire June 30, 2020, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 712, submitting for consideration and confirmation to the State Board of Barbering and Cosmetology, the nomination of CHAD NELSON, term to expire June 30, 2020, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 713, submitting for consideration and confirmation to the Contractors License Board, the nomination of LEON BOLOSAN, term to expire June 30, 2021, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 714, submitting for consideration and confirmation to the Board of Directors of the High Technology Development Corporation, the nomination of CREIGHTON ARITA, term to expire June 30, 2022, was referred to the Committee on Economic Development, Tourism, and Technology.

Gov. Msg. No. 715, submitting for consideration and confirmation to the Board of Directors of the High Technology Development Corporation, the nomination of MARTIN ZORN, term to expire June 30, 2018, was referred to the Committee on Economic Development, Tourism, and Technology.

Gov. Msg. No. 716, submitting for consideration and confirmation to the Board of Directors of the High Technology Development Corporation, the nomination of MARTIN ZORN, term to expire June 30, 2022, was referred to the Committee on Economic Development, Tourism, and Technology.

Gov. Msg. No. 717, submitting for consideration and confirmation to the Stadium Authority, the nomination of KEITH AMEMIYA, term to expire June 30, 2022, was referred to the Committee on Economic Development, Tourism, and Technology.

Gov. Msg. No. 718, submitting for consideration and confirmation to the Hawai'i Commission for National and Community Service, the nomination of KAI DUPONTE, term to expire June 30, 2019, was referred to the Committee on Higher Education.

Gov. Msg. No. 719, submitting for consideration and confirmation to the Hawai'i Commission for National and Community Service, the nomination of JANICE BOND, term to expire June 30, 2020, was referred to the Committee on Higher Education.

Gov. Msg. No. 720, submitting for consideration and confirmation to the Commission on the Status of Women, the nomination of CYD HOFFELD, term to expire June 30, 2022, was referred to the Committee on Judiciary.

Gov. Msg. No. 721, submitting for consideration and confirmation to the Island Burial Council, Islands of Maui and Lānaʻi, the nomination of SCOTT FISHER, term to expire

June 30, 2022, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 722, submitting for consideration and confirmation to the Island Burial Council, Island of Hawai'i, the nomination of KALENA BLAKEMORE, term to expire June 30, 2021, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 723, submitting for consideration and confirmation to the Hawaiian Homes Commission, the nomination of ZACHARY HELM, term to expire June 30, 2020, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 724, submitting for consideration and confirmation to the Hawai'i Community Development Authority, the nomination of WEI FANG, term to expire June 30, 2022, was referred to the Committee on Housing.

Gov. Msg. No. 725, submitting for consideration and confirmation to the Labor and Industrial Relations Appeals Board, the nomination of MELANIE MATSUI, term to expire June 30, 2028, was referred to the Committee on Labor.

Gov. Msg. No. 726, submitting for consideration and confirmation to the Hawai'i Labor Relations Board, the nomination of SESNITA MOEPONO, term to expire June 30, 2023, was referred to the Committee on Labor.

Gov. Msg. No. 727, submitting for consideration and confirmation to the Land Use Commission, the nomination of ARNOLD WONG, term to expire June 30, 2022, was referred to the Committee on Water and Land.

Gov. Msg. No. 728, submitting for consideration and confirmation to the Land Use Commission, the nomination of AARON MAHI, term to expire June 30, 2022, was referred to the Committee on Water and Land.

Gov. Msg. No. 729, submitting for consideration and confirmation to the Land Use Commission, the nomination of EDMUND ACZON, term to expire June 30, 2022, was referred to the Committee on Water and Land.

Gov. Msg. No. 730, submitting for consideration and confirmation to the Kāne'ohe Bay Regional Council, the nomination of JEFFREY KALUHIWA, term to expire June 30, 2020, was referred to the Committee on Water and Land.

Gov. Msg. No. 731, submitting for consideration and confirmation to the Kāne'ohe Bay Regional Council, the nomination of VARCUS LABATTE, term to expire June 30, 2020, was referred to the Committee on Water and Land.

Gov. Msg. No. 732, submitting for consideration and confirmation to the Board of Agriculture, the nomination of FREDERICK COWELL, term to expire June 30, 2022, was referred to the Committee on Agriculture and Environment.

Gov. Msg. No. 733, submitting for consideration and confirmation to the Board of Agriculture, the nomination of NOA LINCOLN, term to expire June 30, 2022, was referred to the Committee on Agriculture and Environment.

Gov. Msg. No. 734, submitting for consideration and confirmation to the Board of Agriculture, the nomination of DIANE LEY, term to expire June 30, 2022, was referred to the Committee on Agriculture and Environment.

Gov. Msg. No. 735, submitting for consideration and confirmation to the Board of Regents of the University of Hawai'i, the nomination of EUGENE BAL III, term to expire June 30, 2023, was referred to the Committee on Higher Education.

Gov. Msg. No. 736, submitting for consideration and confirmation to the Board of Regents of the University of Hawai'i, the nomination of RANDOLPH MOORE, term to expire June 30, 2023, was referred to the Committee on Higher Education.

Gov. Msg. No. 737, submitting for consideration and confirmation to the Hawai'i Commission for National and Community Service, the nomination of CLAUDE ONIZUKA, term to expire June 30, 2019, was referred to the Committee on Higher Education.

Gov. Msg. No. 738, submitting for consideration and confirmation to the Stadium Authority, the nomination of HUBERT MINN, term to expire June 30, 2021, was referred to the Committee on Economic Development, Tourism, and Technology.

Gov. Msg. No. 739, submitting for consideration and confirmation to the Board of Registration of the Island of Hawai'i, the nomination of ANDREW CHUN, term to expire June 30, 2022, was referred to the Committee on Judiciary.

Gov. Msg. No. 740, submitting for consideration and confirmation to the Hawaiian Homes Commission, the nomination of DAVID KAAPU, term to expire June 30, 2021, was referred to the Committee on Hawaiian Affairs.

### HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 399) was read by the Clerk and was disposed of as follows:

Hse. Com. No. 399, transmitting H.C.R. No. 59, H.D. 1, which was adopted by the House of Representatives on April 2, 2018, was placed on file.

By unanimous consent, H.C.R. No. 59, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE ADOPTEE CITIZENSHIP ACT OF 2018," was deferred.

### STANDING COMMITTEE REPORTS

Senators Nishihara and Baker, for the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Commerce, Consumer Protection, and Health, presented a joint report (Stand. Com. Rep. No. 3372) recommending that S.C.R. No. 108, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3372 and S.C.R. No. 108, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HAWAII EMERGENCY MANAGEMENT AGENCY TO WORK WITH THE FEDERAL COMMUNICATIONS COMMISSION, THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL WEATHER SERVICE TO MAKE NECESSARY UPDATES TO ENSURE THAT TEXTUAL AND AUDIBLE INFORMATION FROM THE EMERGENCY ALERT SYSTEM ARE MATCHED AND SYNCHRONIZED DURING TELEVISION BROADCASTS," was deferred until Wednesday, April 4, 2018.

Senators Nishihara and Baker, for the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Commerce, Consumer Protection, and Health, presented a joint report (Stand. Com. Rep. No. 3373) recommending that S.R. No. 67, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3373 and S.R. No. 67, S.D. 1, entitled: "SENATE RESOLUTION URGING THE HAWAII EMERGENCY MANAGEMENT AGENCY TO WORK WITH THE FEDERAL COMMUNICATIONS COMMISSION, THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE

NATIONAL WEATHER SERVICE TO MAKE NECESSARY UPDATES TO ENSURE THAT TEXTUAL AND AUDIBLE INFORMATION FROM THE EMERGENCY ALERT SYSTEM ARE MATCHED AND SYNCHRONIZED DURING TELEVISION BROADCASTS," was deferred until Wednesday, April 4, 2018.

Senators Gabbard and Tokuda, for the Committee on Agriculture and Environment and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 3374) recommending that S.C.R. No. 145, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3374 and S.C.R. No. 145, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE, IN COLLABORATION WITH THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, TO CONVENE AN AGRICULTURE LABOR TASK FORCE," was deferred until Wednesday, April 4, 2018.

Senators Kahele and Nishihara, for the Committee on Higher Education and the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a joint report (Stand. Com. Rep. No. 3375) recommending that S.C.R. No. 182 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3375 and S.C.R. No. 182, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO RENAME THE UNIVERSITY OF HAWAII INSTITUTE FOR ASTRONOMY TO THE PAUL H.I. COLEMAN ASTRONOMY CENTER," was deferred until Wednesday, April 4, 2018.

Senators Kahele and Nishihara, for the Committee on Higher Education and the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a joint report (Stand. Com. Rep. No. 3376) recommending that S.R. No. 108 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3376 and S.R. No. 108, entitled: "SENATE RESOLUTION REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO RENAME THE UNIVERSITY OF HAWAII INSTITUTE FOR ASTRONOMY TO THE PAUL H.I. COLEMAN ASTRONOMY CENTER," was deferred until Wednesday, April 4, 2018.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3377) recommending that S.C.R. No. 162 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3377 and S.C.R. No. 162, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ESTABLISH A PROCESS WHEREBY THE PUBLIC MAY PETITION THE BOARD TO ADD ITEMS TO THE AGENDA OF THE NEXT MEETING," was deferred until Wednesday, April 4, 2018.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3378) recommending that S.R. No. 121 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3378 and S.R. No. 121, entitled: "SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ESTABLISH A PROCESS WHEREBY THE PUBLIC MAY PETITION THE BOARD TO ADD ITEMS TO THE AGENDA OF THE NEXT MEETING," was deferred until Wednesday, April 4, 2018.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3379) recommending that S.C.R. No. 194, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3379 and S.C.R. No. 194, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ENSURE THAT ALL PUBLIC SCHOOL STUDENTS, INCLUDING PUBLIC CHARTER SCHOOL STUDENTS, HAVE EQUAL ACCESS TO APPROPRIATE FOOD SERVICES," was deferred until Wednesday, April 4, 2018.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3380) recommending that S.R. No. 131, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3380 and S.R. No. 131, S.D. 1, entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ENSURE THAT ALL PUBLIC SCHOOL STUDENTS, INCLUDING PUBLIC CHARTER SCHOOL STUDENTS, HAVE EQUAL ACCESS TO APPROPRIATE FOOD SERVICES," was deferred until Wednesday, April 4, 2018.

Senator Inouye, for the Committee on Transportation and Energy, presented a report (Stand. Com. Rep. No. 3381) recommending that the Senate advise and consent to the nominations to the Medical Advisory Board of the following:

JOHN CORBOY, in accordance with Gov. Msg. No. 639; and

ALAN STEIN, in accordance with Gov. Msg. No. 640.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3381 and Gov. Msg. Nos. 639 and 640 was deferred until Wednesday, April 4, 2018.

Senator Taniguchi, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3382) recommending that H.B. No. 2596, H.D. 2, S.D. 1 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3382 and H.B. No. 2596, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CERTIFICATE OF TITLE FOR VESSELS ACT," was deferred until Wednesday, April 4, 2018.

Senator Taniguchi, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3383) recommending that H.B. No. 2133, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3383 and H.B. No. 2133, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POLICE DEPARTMENTS," was deferred until Thursday, April 5, 2018.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3384) recommending that H.B. No. 2507, H.D. 2, 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 H.B. No. 2507, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCHOOLS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 5, 2018.

#### ORDER OF THE DAY

#### AGREE/DISAGREE

#### MATTERS DEFERRED FROM MONDAY, APRIL 2, 2018

S.B. No. 648, S.D. 1 (H.D. 1):

By unanimous consent, action on S.B. No. 648, S.D. 1 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred until Wednesday, April 4, 2018.

S.B. No. 2146 (H.D. 1):

By unanimous consent, action on S.B. No. 2146 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO PUBLICATION OF ELECTION NOTICES," was deferred until Wednesday, April 4, 2018.

S.B. No. 2174, S.D. 1 (H.D. 1):

By unanimous consent, action on S.B. No. 2174, S.D. 1 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO MATERIAL WITNESS ORDERS," was deferred until Wednesday, April 4, 2018.

S.B. No. 2180, S.D. 1 (H.D. 1):

By unanimous consent, action on S.B. No. 2180, S.D. 1 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO LESSER INCLUDED OFFENSES," was deferred until Wednesday, April 4, 2018.

S.B. No. 2992, S.D. 1 (H.D. 1):

By unanimous consent, action on S.B. No. 2992, S.D. 1 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCE," was deferred until Wednesday, April 4, 2018.

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 3366 (Gov. Msg. No. 540):

Senator Dela Cruz moved that Stand. Com. Rep. No. 3366 be received and placed on file, seconded by Senator Keith-Agaran and carried.

Senator Dela Cruz then moved that the Senate advise and consent to the nomination of FRANCIS IMADA to the Board of Taxation Review, 1st Taxation District (O'ahu), term to expire June 30, 2019, seconded by Senator Keith-Agaran.

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

Ayes, 24. Noes, none. Excused, 1 (Tokuda).

Stand. Com. Rep. No. 3367 (Gov. Msg. No. 590):

Senator Dela Cruz moved that Stand. Com. Rep. No. 3367 be received and placed on file, seconded by Senator Keith-Agaran and carried.

Senator Dela Cruz then moved that the Senate advise and consent to the nomination of KEN KITAMURA as Deputy Director of the Department of Budget and Finance, term to expire at noon on December 3, 2018, seconded by Senator Keith-Agaran.

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

"Mr. Ken Kitamura has been appointed as the deputy director of the Department of Budget and Finance. He has extensive experience in the area of public budgeting and finance. His professional career began as a budget analyst for the Senate Committee on Ways and Means. In fact, Mr. Kitamura is a former budget supervisor for the committee. Following his time with the committee, he held various managerial positions within DBEDT and Department of Human Services. He has a desire to improve workplace processes and automation. His goals are to

enhance long-term productivity and efficiency in government operations by implementing quality budget and financial best practices that effectively allocate and manage available resources. Colleagues, I ask that you advise and consent to Mr. Kitamura's nomination as the deputy director of the Department of Budget and Finance."

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

Ayes, 24. Noes, none. Excused, 1 (Tokuda).

At this time, Senator Dela Cruz introduced Deputy Director Ken Kitamura, who was seated in the gallery.

Stand. Com. Rep. No. 3368 (Gov. Msg. No. 616):

Senator Taniguchi moved that Stand. Com. Rep. No. 3368 be received and placed on file, seconded by Senator Rhoads and carried.

Senator Taniguchi then moved that the Senate consent to the appointment of LISA M. GINOZA as Chief Judge of the Intermediate Appellate Court, term to expire in 10 years, seconded by Senator Rhoads.

Senator Taniguchi rose to speak in support of Gov. Msg. No. 616 as follows:

"Lisa M. Ginoza has been licensed to practice law in Hawai'i since 1989. She earned her doctorate of jurisprudence from the William S. Richardson School of Law, where she was an editor for the University of Hawai'i Law Review. Prior to her appointment to the Intermediate Court of Appeals, Judge Ginoza served as first deputy attorney general of the State of Hawai'i, where she assisted the attorney general in leading a department with over 170 attorneys. Judge Ginoza also previously served as a partner at McCorriston Miller Mukai Mackinnon. Testimony submitted in support of Judge Ginoza's appointment commend her strength of reasoning and the clarity of her decisions. As an associate judge of the Intermediate Court of Appeals, her written decisions are thoroughly researched, well-reasoned, and logically presented. Numerous testifiers praised her leadership abilities, strong work ethic, integrity, and commitment to fair and sound decision-making. I ask my colleagues to support Governor's Message 616. Thank you."

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

"I just want to add that Judge Ginoza is an excellent role model for young women entering the law and seeing how they can aspire to leadership in our judiciary. Mahalo."

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

Ayes, 24. Noes, none. Excused, 1 (Tokuda).

At this time, Senator Taniguchi introduced Judge Lisa M. Ginoza, who was accompanied in the gallery by her spouse, Brenda Tanaka, and their daughter, Zoe Grace Tanaka-Ginoza; her father, Rogers Ginoza; her brother Garrett; her sister Laura; and her aunt Leo Tanaka.

Stand. Com. Rep. No. 3369 (Gov. Msg. No. 617):

Senator Taniguchi moved that Stand. Com. Rep. No. 3369 be received and placed on file, seconded by Senator Rhoads and carried.

Senator Taniguchi then moved that the Senate consent to the appointment of JAMES H. ASHFORD to the First Circuit Court Judge, term to expire in 10 years, seconded by Senator Rhoads.

Senator Taniguchi rose to speak in support of Gov. Msg. No. 617 as follows:

“Judge James H. Ashford received his bachelor of arts degree from Claremont McKenna College and his doctorate of jurisprudence from Loyola Law School. He was admitted to the Hawai‘i Bar in 1988. He currently serves as a district judge of the First Circuit, where he presides primarily over criminal cases brought in the district court. He has also presided over civil and felony criminal trials while on temporary assignment to the circuit court. Prior to his appointment to the District Court of the First Circuit, Judge Ashford served as a litigation partner with Cades Schutte. In his private litigation practice, Judge Ashford represented clients in proceedings at every level of the Hawai‘i state court system, including the Intermediate Court of Appeals and Hawai‘i Supreme Court. He is also currently president of the Hawaii State Trial Judges Association. Testimony submitted in support of Judge Ashford’s appointment draws attention to his thoughtful, high-quality legal analysis; deep knowledge of Hawai‘i law and court procedures; and dedication to training young lawyers and helping to improve the state’s legal system. Several testifiers noted his great personal integrity, unwavering professionalism, and dedication to the fair and even-handed application of justice. I ask that my colleagues vote in support of Governor’s Message 617.”

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

Ayes, 24. Noes, none. Excused, 1 (Tokuda).

At this time, Senator Taniguchi introduced Judge James H. Ashford, who was accompanied in the gallery by his wife, Lisa Redell, and staff supporters Jamie Chun, Rochelle Sugawa, and Dawn Nakagawa. Senator Taniguchi also extended happy birthday wishes to Judge Ashford.

The Chair recognized Deputy Director Ken Kitamura’s family, who were seated in the gallery: his wife, Maria, and his daughter Lea.

Stand. Com. Rep. No. 3370 (Jud. Com. No. 3):

Senator Taniguchi moved that Stand. Com. Rep. No. 3370 be received and placed on file, seconded by Senator Rhoads and carried.

Senator Taniguchi then moved that the Senate consent to the appointment of KEVIN T. MORIKONE to the District Court of the First Circuit, term to expire in 6 years, seconded by Senator Rhoads.

Senator Taniguchi rose to speak in support of Jud. Com. No. 3 as follows:

“Kevin T. Morikone received his bachelor of arts degree in political science with a certificate in ethnic studies from the University of Hawai‘i at Mānoa, and his doctorate of jurisprudence from the William S. Richardson School of Law, where he graduated cum laude. Since October 2015, he has served as a per diem district family judge in the Family Court of the First Circuit while continuing his private practice at Hosoda and Morikone, LLC. Mr. Morikone has been a partner at Hosoda and Morikone, LLC, since 2011. As a per diem district family judge in the family court, Mr. Morikone has presided over temporary restraining order proceedings, adoptions, guardianship proceedings, paternity proceedings, uncontested and contested divorces, and cases involving detention homes. Mr. Morikone has been actively involved in the legal community throughout his career, including as a volunteer for appellate advocacy and trial practice courses and as pro bono legal counsel for the Oahu Interscholastic Association. In addition, he has served as the foreclosure commissioner since 2013 and participated in Lawyers League Softball since 2003.

Testimony submitted in support of Mr. Morikone’s appointment commend his strong work ethic, keen legal knowledge, and high degree of professionalism when dealing with opposing counsel, judges, officers of the court, and clients. He has repeatedly demonstrated the ability in complex, multi-party commercial disputes to approach contentious issues in a mature and constructive manner. I ask members to support Judicial Communication No. 3.”

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

Ayes, 24. Noes, none. Excused, 1 (Tokuda).

At this time, Senator Taniguchi introduced Judge Kevin T. Morikone, who was accompanied in the gallery by his parents, Milton and Linda Morikone; his wife, Jessica Morikone; his son Ty; his daughter Mia; and his sister Kelly Uwayne and her husband, Clint.

Senator Rhoads recognized Lyle Hosoda, Judge Morikone’s law partner, who had offered Senator Rhoads his first job 22 years ago at his law firm.

Senator Taniguchi acknowledged the Honorable Mark E. Recktenwald, Chief Justice, Supreme Court, State of Hawai‘i, as well as other staff members of the Hawai‘i State Judiciary, who were present in the gallery.

At 12:10 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:22 p.m.

## ADOPTION OF RESOLUTIONS

### MATTERS DEFERRED FROM MONDAY, APRIL 2, 2018

Stand. Com. Rep. No. 3351 (S.C.R. No. 2, S.D. 1):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.C.R. No. 2, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIANAE, OAHU, FOR THE EXISTING SEAWALL, STEPS, AND LANDSCAPED AREA AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON,” was adopted.

Stand. Com. Rep. No. 3352 (S.C.R. No. 14, S.D. 1):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.C.R. No. 14, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 2949 ALA ILIMA STREET, NO. 204, HONOLULU, HAWAII,” was adopted.

Stand. Com. Rep. No. 3353 (S.C.R. No. 15, S.D. 1):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.C.R. No. 15, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 41-1373 HAUNAU KOI STREET, WAIMANALO, HAWAII,” was adopted.

Stand. Com. Rep. No. 3354 (S.C.R. No. 18, S.D. 1):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.C.R. No. 18, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A

PORTION OF STATE SUBMERGED LANDS AT WAIKIKI, HONOLULU, OAHU, FOR THE EXISTING PIER AND SEAWALL AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was adopted.

Stand. Com. Rep. No. 3355 (S.C.R. No. 19, S.D. 1):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.C.R. No. 19, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE AMENDMENT OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KAHALA, HONOLULU, OAHU, FOR THE SEAWALL AND STEPS, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was adopted.

Stand. Com. Rep. No. 3356 (S.C.R. No. 191):

On motion by Senator Espero, seconded by Senator English and carried, the joint report of the Committees was adopted and S.C.R. No. 191, entitled: "SENATE CONCURRENT RESOLUTION URGING ALL THE COUNTIES OF HAWAII TO CREATE A SPECIAL LICENSE PLATE DECAL, SIMILAR TO THE CITY AND COUNTY OF HONOLULU'S "HAWAII SAYS NO MORE WEEK" SPECIAL LICENSE PLATE DECAL, TO RAISE FUNDS TO END DOMESTIC VIOLENCE AND SEXUAL ABUSE," was adopted.

Stand. Com. Rep. No. 3357 (S.R. No. 130):

On motion by Senator Espero, seconded by Senator English and carried, the joint report of the Committees was adopted and S.R. No. 130, entitled: "SENATE RESOLUTION URGING ALL THE COUNTIES OF HAWAII TO CREATE A SPECIAL LICENSE PLATE DECAL, SIMILAR TO THE CITY AND COUNTY OF HONOLULU'S "HAWAII SAYS NO MORE WEEK" SPECIAL LICENSE PLATE DECAL, TO RAISE FUNDS TO END DOMESTIC VIOLENCE AND SEXUAL ABUSE," was adopted.

Stand. Com. Rep. No. 3358 (S.C.R. No. 124, S.D. 1):

On motion by Senator Espero, seconded by Senator English and carried, the joint report of the Committees was adopted and S.C.R. No. 124, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, IN CONSULTATION WITH THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF TRANSPORTATION, AND CITY AND COUNTY OF HONOLULU, TO IMPLEMENT SAFEGUARDS AT HAULA BEACH PARK TO PROTECT HAWAIIAN MONK SEALS," was adopted.

Stand. Com. Rep. No. 3359 (S.C.R. No. 176):

On motion by Senator Espero, seconded by Senator English and carried, the joint report of the Committees was adopted and S.C.R. No. 176, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO ASSESS THE DANGERS OF PEDESTRIAN USE OF THE SHOULDER OF HALEAKALA HIGHWAY BETWEEN UPPER KIMO DRIVE AND AINAKULA ROAD AND TO EXAMINE POTENTIAL PEDESTRIAN SAFETY COUNTERMEASURES," was adopted.

Stand. Com. Rep. No. 3360 (S.R. No. 105):

On motion by Senator Espero, seconded by Senator English and carried, the joint report of the Committees was adopted and S.R. No. 105, entitled: "SENATE RESOLUTION URGING

THE DEPARTMENT OF TRANSPORTATION TO ASSESS THE DANGERS OF PEDESTRIAN USE OF THE SHOULDER OF HALEAKALA HIGHWAY BETWEEN UPPER KIMO DRIVE AND AINAKULA ROAD AND TO EXAMINE POTENTIAL PEDESTRIAN SAFETY COUNTERMEASURES," was adopted.

Stand. Com. Rep. No. 3361 (S.C.R. No. 185, S.D. 1):

On motion by Senator Espero, seconded by Senator English and carried, the joint report of the Committees was adopted and S.C.R. No. 185, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING STATEWIDE SUPPORT FOR TRAFFIC SAFETY LEGISLATION TO REDUCE MOTOR VEHICLE FATALITIES AND INJURIES," was adopted.

Stand. Com. Rep. No. 3362 (S.R. No. 129, S.D. 1):

On motion by Senator Espero, seconded by Senator English and carried, the joint report of the Committees was adopted and S.R. No. 129, S.D. 1, entitled: "SENATE RESOLUTION URGING STATEWIDE SUPPORT FOR TRAFFIC SAFETY LEGISLATION TO REDUCE MOTOR VEHICLE FATALITIES AND INJURIES," was adopted.

Stand. Com. Rep. No. 3363 (S.C.R. No. 21):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.C.R. No. 21, entitled: "SENATE CONCURRENT RESOLUTION ENDORSING AND ADOPTING, AND URGING THE SEVERAL COUNTIES TO ENDORSE AND USE, THE UNITED NATIONS SEVENTEEN SUSTAINABLE DEVELOPMENT GOALS AS COMPONENTS OF A FRAMEWORK FOR ADDRESSING AND ASSESSING HAWAII'S EFFORTS TOWARD SOCIAL JUSTICE AND SUSTAINABILITY," was adopted.

Stand. Com. Rep. No. 3364 (S.R. No. 11):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.R. No. 11, entitled: "SENATE RESOLUTION ENDORSING AND ADOPTING, AND URGING THE SEVERAL COUNTIES TO ENDORSE AND USE, THE UNITED NATIONS SEVENTEEN SUSTAINABLE DEVELOPMENT GOALS AS COMPONENTS OF A FRAMEWORK FOR ADDRESSING AND ASSESSING HAWAII'S EFFORTS TOWARD SOCIAL JUSTICE AND SUSTAINABILITY," was adopted.

Stand. Com. Rep. No. 3365 (S.R. No. 19):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.R. No. 19, entitled: "SENATE RESOLUTION URGING THE COUNTY OF HAWAII TO PRIORITIZE INFRASTRUCTURE IMPROVEMENTS TO WASTEWATER MANAGEMENT THROUGH A COMPREHENSIVE STUDY FOR ECONOMIC DEVELOPMENT, INFRASTRUCTURE, SUSTAINABILITY, EDUCATION, AND PUBLIC POLICY," was adopted.

Senator Dela Cruz, Chair of the Committee on Ways and Means, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.C.R. No. 161 and S.C.R. No. 192.

At 12:24 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:24 p.m.

Senator Dela Cruz noted:

"S.C.R. 161 urges the governor and the director of the Hawaii Emergency Management Agency to improve Hawai'i's

emergency preparedness and hazard mitigation measures. S.C.R. 192 requests the Department of Accounting and General Services, the Department of Budget and Fiscal Services of the City and County of Honolulu, and the Departments of Finance of the Counties of Hawai'i, Maui, and Kaua'i to eliminate payroll lag, which delays the initial paycheck for all temporary and emergency employees of the state and counties, respectively. The committee is requesting to hear these concurrent resolutions for the S.C.R. filing deadline."

The Chair granted the waiver.

Senator Dela Cruz announced that the Committee on Ways and Means would be holding a public hearing on S.C.R. No. 161 and S.C.R. No. 192 the following morning at 10:25 a.m. in Conference Room 211.

Senator Inouye, Chair of the Committee on Transportation and Energy, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. No. 1864, H.D. 2, Proposed S.D. 1.

Senator Inouye noted:

"H.B. 1864, House Draft 2, Proposed Senate Draft 1, amends the criteria for granting a variance for solar water heaters."

The Chair granted the waiver.

Senator Inouye announced that the Committee on Transportation and Energy would be holding a public hearing on H.B. No. 1864, H.D. 2, Proposed S.D. 1 the following afternoon at 1:30 p.m. in Conference Room 225.

Senator Galuteria announced that the members would be meeting in caucus immediately following the floor session.

The Chair then made the following announcement:

"If there are no objections from the members, the 2018 Senate Internal Timetable is amended to extend the deadline for the governor to submit advise and consent messages to the Senate to Wednesday, April 4."

#### ADJOURNMENT

At 12:27 p.m., on motion by Senator Espero, seconded by Senator English and carried, the Senate adjourned until 11:30 a.m., Wednesday, April 4, 2018.