

FIFTY-FOURTH DAY

Monday, April 23, 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 Senator Harimoto who was excused.

The President announced that he had read and approved the Journal of the Fifty-Third Day.

At this time, Senator Kidani recognized Department of Education Superintendent Christina Kishimoto and Hawaii State Teachers Association President Corey Rosenlee, who were present in the gallery.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 633 to 636) were read by the Clerk and were placed on file:

Hse. Com. No. 633, informing the Senate that on April 20, 2018, the House agreed to the amendments proposed by the Senate and passed the following bills on Final Reading:

H.B. No. 2043, H.D. 1, S.D. 1; and
H.B. No. 2507, H.D. 2, S.D. 1.

Hse. Com. No. 634, informing the Senate that on April 20, 2018, the House agreed to the amendments proposed by the Senate and Finally Adopted H.C.R. No. 20, H.D. 1, S.D. 1.

Hse. Com. No. 635, informing the Senate that on April 20, 2018, the Speaker made the following changes to the conferees on the following bill:

S.B. No. 2846, S.D. 2 (H.D. 2):

Representative Yamashita added as co-chair.

Representative Cullen discharged as co-chair.

Hse. Com. No. 636, informing the Senate that on April 23, 2018, the Speaker appointed conferees on the part of the House for the consideration of amendments proposed by the Senate to the following House bills:

H.B. No. 1401, H.D. 1 (S.D. 1):

Representatives Nishimoto, Luke, co-chairs; Morikawa, Nakamura, Tupola.

H.B. No. 2012, H.D. 2 (S.D. 1):

Representatives Onishi, Mizuno, Luke, co-chairs; Cullen, Ward.

CONFERENCE COMMITTEE REPORTS

Senator Dela Cruz, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 508, S.D. 1, presented a report (Conf. Com. Rep. No. 2-18) recommending that S.B. No. 508, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 2-18 and S.B. No. 508, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Senator Dela Cruz, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1900, H.D. 1, presented a report (Conf.

Com. Rep. No. 3-18) recommending that H.B. No. 1900, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 3-18 and H.B. No. 1900, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS
AND
ADOPTION OF RESOLUTIONS

Senator Rhoads, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3806) recommending that H.C.R. No. 34, as amended in S.D. 1, be adopted.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and H.C.R. No. 34, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DIVISION OF STATE PARKS OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ASSESS POTENTIALLY HAZARDOUS OCEAN CONDITIONS AT BEACH PARKS AND ENSURE THAT SAFETY CONCERNS ARE ADDRESSED PRIOR TO UNDERTAKING ACCESS IMPROVEMENTS THAT WILL INCREASE USE, AND TO PROVIDE INFORMATION ABOUT POTENTIALLY HAZARDOUS CONDITIONS AT STATE BEACH PARKS ON THE DIVISION'S WEBSITE AND IN ITS PRINTED MATERIALS," was adopted.

Senator Inouye, for the Committee on Transportation and Energy, presented a report (Stand. Com. Rep. No. 3807) recommending that H.C.R. No. 112 be adopted.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and H.C.R. No. 112, entitled: "HOUSE 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.

Senator Inouye, for the Committee on Transportation and Energy, presented a report (Stand. Com. Rep. No. 3808) recommending that H.C.R. No. 113 be adopted.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and H.C.R. No. 113, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY WAYS TO ENCOURAGE ALL POLICE AND FIRE STATIONS IN THE STATE TO HAVE A CERTIFIED CHILD PASSENGER SAFETY TECHNICIAN AVAILABLE TO INSPECT CHILD PASSENGER RESTRAINT SYSTEMS," was adopted.

Senator Kim, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 3809) recommending that H.C.R. No. 177, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and H.C.R. No. 177, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING VARIOUS GOVERNMENT ENTITIES TO DEVELOP, UPDATE, AND INTRODUCE POLICIES RELATED TO HELICOPTER AIR

TOURS AT THE STATE AND NATIONAL LEVEL,” was adopted.

Senators Kim and Inouye, for the Committee on Government Operations and the Committee on Transportation and Energy, presented a joint report (Stand. Com. Rep. No. 3810) recommending that H.C.R. No. 130, as amended in S.D. 1, be adopted.

On motion by Senator Espero, seconded by Senator English and carried, the joint report of the Committees was adopted and H.C.R. No. 130, S.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION URGING STATE AGENCIES TO EVALUATE, COLLABORATE, AND IMPLEMENT BEST MANAGEMENT PRACTICES, TECHNOLOGIES, AND REGULATIONS TO ADDRESS VESSEL BIOFOULING IN HAWAII HARBORS,” was adopted.

Senators Kim and Inouye, for the Committee on Government Operations and the Committee on Transportation and Energy, presented a joint report (Stand. Com. Rep. No. 3811) recommending that H.C.R. No. 123, as amended in S.D. 1, be adopted.

On motion by Senator Espero, seconded by Senator English and carried, the joint report of the Committees was adopted and H.C.R. No. 123, S.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF POTENTIAL PROJECTS THAT WOULD REDUCE ENERGY COSTS FOR ALL STATE DEPARTMENTS AND AGENCIES,” was adopted.

Senator Inouye, for the Committee on Transportation and Energy, presented a report (Stand. Com. Rep. No. 3812) recommending that H.C.R. No. 30, as amended in S.D. 1, be adopted.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and H.C.R. No. 30, S.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO INCLUDE THE “DUTCH REACH” OR FAR HAND METHOD IN DRIVER’S EDUCATION CURRICULA,” was adopted.

Senator Kim, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 3813) recommending that H.C.R. No. 108, H.D. 1 be adopted.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and H.C.R. No. 108, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION URGING THE STATE TO ADDRESS THE LACK OF LANGUAGE SUPPORT IN SERVICES, PROGRAMS, AND ACTIVITIES OFFERED BY STATE GOVERNMENT FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY,” was adopted.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3814) recommending that H.C.R. No. 198, as amended in S.D. 1, be adopted.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and H.C.R. No. 198, S.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE HAWAII STATE DEPARTMENT OF EDUCATION REPORT TO THE LEGISLATURE ON ITS COMPLIANCE WITH THE PATSY MINK EQUAL OPPORTUNITY IN EDUCATION ACT AND THE RESOLUTION AGREEMENT BETWEEN THE HAWAII STATE DEPARTMENT OF EDUCATION AND THE UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS DATED DECEMBER 20, 2017,” was adopted.

STANDING COMMITTEE REPORTS

Senator Kim, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 3815) recommending that the Senate advise and consent to the nomination of SARAH-JANE ALLEN as State Procurement Office Administrator, in accordance with Gov. Msg. No. 502.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3815 and Gov. Msg. No. 502 was deferred until Tuesday, April 24, 2018.

Senator Kim, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 3816) recommending that the Senate advise and consent to the nominations to the Enhanced 911 Board of the following:

COREY SHAFFER, in accordance with Gov. Msg. No. 507; and

COREY SHAFFER, in accordance with Gov. Msg. No. 508.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3816 and Gov. Msg. Nos. 507 and 508 was deferred until Tuesday, April 24, 2018.

Senator Rhoads, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3817) recommending that the Senate advise and consent to the nomination of KANOE WILSON to the Legacy Land Conservation Commission, in accordance with Gov. Msg. No. 606.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3817 and Gov. Msg. No. 606 was deferred until Tuesday, April 24, 2018.

Senator Rhoads, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3818) recommending that the Senate advise and consent to the nomination of ALISON COHAN to the Natural Area Reserves System Commission, in accordance with Gov. Msg. No. 653.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3818 and Gov. Msg. No. 653 was deferred until Tuesday, April 24, 2018.

ORDER OF THE DAY

FINAL READING

MATTER DEFERRED FROM WEDNESDAY, APRIL 18, 2018

S.B. No. 2922, S.D. 1, H.D. 1:

Senator Kidani moved that S.B. No. 2922, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

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

“Colleagues, I rise in strong support of Senate Bill 2922, S.D. 1, H.D. 1. In moving this bill forward, our ultimate goal has been consistent and clear: We seek a measure to fully fund our public education system. The proposal is to allow the Legislature the authority to establish a tax surcharge on investment real property, proceeds from which would be dedicated to educating our keiki. Step one – as provided for in Senate Bill 2922 – is to place a question on the ballot so that the **voters** can decide whether the Legislature should be granted this authority.

“The bill as originally drafted elicited a good deal of testimony that, in some ways, may have detracted from the primary goal of funding our schools. Testifiers debated property values at which the surcharge would be applied and several

other matters. While the House removed that specific language, the public should be assured that the Senate has no intention of taxing the homes you live in – that is, homes for which resident-owners receive a homeowner's exemption. The public should further be assured that the Senate has no intention of approving any surcharge on investment properties valued at less than \$1 million. And further, no consideration has ever been given to a surcharge on commercial properties. The intent is and always has been to focus on residential properties.

"However, House amendments to the bill have simplified the issue, in my perspective. The bill now proposes the ballot question: 'Shall the Legislature be authorized to establish, as provided by law, a surcharge on investment real property to be used to support public education?' Should the voters pass this con am, we will have to come back in next year's session to pass a bill that would put the parameters of exactly who we are taxing and what amount we are taxing in the bill, so we will have another go at this.

"I urge your support for Senate Bill 2922, S.D. 1, H.D. 1, so that we may move forward decisively on this critical matter to provide for our keiki's education. Mahalo."

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

"While I may be the only person in opposition on the floor today, I want to take a moment to express my severe concerns with this project. I think it's a very creative idea. I applaud the HSTA for looking for ways to find additional funding for education, and I absolutely admire their creativity; however, this is bad policy. It's bad policy because, for years, we have this tug of war between the state and the counties over funding. We've allotted property taxes as the vehicle that the counties shall use to pay for fire, police, emergency, parks, and everything else – repaving those city roads, among other things. So, the property tax is something that we have specifically given the counties. We use other taxes, such as the general excise tax, the TAT we control. So, the effect of putting an overlay on top of county property taxing authority will then inhibit the counties' ability to raise funds as they see fit and as they need. Therefore, they will be back to the Legislature to ask for ever more parts of the TAT, so we have this convoluted tax process: We're taking some from here and we're giving some there.

"I would note that in California there was a measure to approve the state lottery many years ago, and the basis was, 'We shall create a state lottery to fund education.' No sooner did that happen that the state money started rolling in, then the local authorities ceased to fund at the same rate that they were doing, so, therefore, there was no net gain in the end. It was just shifting it around because money, as we all know, in government is fungible. So, if we create a special fund through property tax that clamps the city's ability to raise its monies and we put it into that fund, I guarantee this membership will then fund less of the general funds on the back end because all the other priorities are going to be calling out for demand. So, what we'll do then is we're going to create more taxes but not actually address the problem that we're trying to address. No funds are ever safe from ourselves, right? We raid funds and special funds all the time.

"Forty-three percent of Hawai'i households rent the home that they live in – forty-three percent of families are trying to make a living here. So, now we're going to tax investment properties; who pays that property tax? Is it the owner of that property – we've got to soak it to the rich guys who own these houses? No, it's the renters who are then going to be faced with two or three hundred dollars or four hundred, however the structure is set, each month additionally. So, while we then are supporting a part of our population, we're now hurting many,

many others. And we can say that this is only going to be for those rich guys, but I challenge somebody to point out to me where a tax has not grown and expanded. We created the conveyance tax to pay for the Bureau of Conveyances. Next thing, we used it to fund natural area reserves, which was a creative idea and it was a good idea. We used that money to fund the legacy lands; we used that money for rapid re-housing or affordable housing. So, those are all great concepts, just as this is a great concept. But the monies now for the natural area reserves are general-funded, and that money is still getting scooped out of the conveyance tax. We had measures on the floor this year to increase the conveyance tax, so the conveyance tax has now become this cash cow because we're going to soak it to those rich guys again. But the repercussions come down to the regular people and the average people and people who are just trying to survive. While I believe this Senate presently has no intention of taxing owner-occupant houses and taxing affordable rental housing – I believe that to be the case now – there is nothing that would prevent us from doing that in the future when times are tight and we've got to pay for other priorities. So, the tax will expand; renters will suffer; no funds are safe; the money will be cut on the back end on the general funds; the counties are impeded.

"And so then you say, 'Well, Senator, what are your solutions?' I have spoken before: My wife is a teacher; she has taught a few years in the public education system and she has taught in private schools. My sister works in California for the public schools. So, I'm invested in education. My kids are at Waialua High School or have graduated from Waialua High School. I'm not shirking my responsibility; I'm calling on us, if we are serious about education, to make education that priority. Teachers are paid through collective bargaining; we don't set the pay for teachers. Construction is handled through the Department of Education, CIP projects; we spend lots of money to fix things that are often neglected for far too long. So, we have some structural problems that we need to address. Throwing, presumably, more money at it – which will, in effect, be cut on the back end – may look nice and may sound nice, because I support quality education as much as everybody else. This is a bad idea; it's a great, creative idea, but in practice, when you look at the side effects, it is, unfortunately, bad policy that can go wrong in many ways in future years if not in the next year. So thank you for allowing me to speak on this in opposition."

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

"I would just want to make note that several other states have had teacher strikes recently. West Virginia, Colorado, Kentucky, Oklahoma have all had teacher strikes that have recently concluded or are still ongoing, and they all share something in common: Even before they went on strike and got any of the pay increases that they fought for, if you factor in the cost of living, Hawai'i teachers made less than they do – make less than they did – and they still make less than they do and, of course, after the settlements, make even less less than they did before. We have hundreds of vacancies in the DOE every year. Part of it, a big part of it, is we're just not paying our teachers enough, and I don't see how we can go forward and try to have a good education system if we don't have the most fundamental component of an education system, which is good teachers.

"I would also just briefly address the tax issue. There were people back in 2005 who wanted to use the GET surcharge to go for education instead of for rail or for transportation, which was the offer to the other counties other than Honolulu. We didn't end up going that route, but the Legislature has been more than willing and has bent over backwards to help the counties with transportation needs. I suppose you could argue that maybe we should've all just stayed in our own lanes and let

the counties pay for rail with real estate property tax increases, but that's not where we're at right now. I think that sort of cross-matching tax policy is maybe a little confusing, but, unfortunately, I think it's a necessity at this point. So, with my support. Mahalo."

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

"Mr. President, I ask that the comments by the senator of Mililani be entered into the Journal as if they were mine as well. It's just about time that we have dedicated funding for education and for our teachers and our students. Mahalo." (The Chair so ordered, by reference only.)

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

"As has been mentioned, teachers nationwide are demanding fair pay. I think it's about time; I'm so pleased to see them be successful in other states. As has also been mentioned, adjusted for cost of living, Hawai'i has the lowest-paid teachers in the nation. Nationwide, we can see what the lack of quality education does to an electorate: It ends up with people who have a disbelief in basic science, an inability to think logically, and sloganism replaces actual logical discourse. I think that doing nothing in the face of our teacher crisis – or doing the same, ineffective things – is not an option. We're losing teachers at a rate that no other state sees. I, myself, am agnostic as to which mechanism we use, but we need to fix this problem. Teachers are not just any other category of workers, but they are crucial to our keiki and our society like no other category of workers, and I applaud the Education chair and all who support this for her bold commitment to trying something new and supporting our teachers. Thank you."

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

"I promise I won't speak as long as I spoke last week on this, but let me make it clear, and I think we all know, that this is a vote that we're going to be putting to the people. And as I said last week, this is probably one of the most important measures, in the top three, that we're going to be addressing today. It's about the education of our students and how we're going to fund our educational system. And, obviously, there is so much at stake here when it comes to teachers' pay, new facilities, technology, equipment. If we can get the voters to support this, then next year is going to be the big, major discussion by everyone – all the stakeholders involved – on what is the best way to fund our education system. Today, it's been hit and miss. We've given when we can, but it hasn't been constant; it hasn't been dedicated, and this is the opportunity now, colleagues, to support education and those teachers and the students and the administrators who need our assistance. Thank you."

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

"As a former high school teacher in American Samoa and a former substitute teacher at Kapolei High School and the middle school out there, I get it. We've been talking about this issue for so many years and, again, I would applaud the creativity of the concept of what we're trying to do here. But, in fact, I agree with what they're doing in Finland: We should be paying our teachers on the same level as what we are paying our doctors and our lawyers. When we get serious about taking care of this very important institution that is educating our keiki, that's what we should be looking at. So, like the senator from 'Ewa, I agree that what's going to happen, if we pass this out today, is there's going to be a very good conversation about this, a two-part conversation, between now and the election; and then, if it passes in the election in November, we'll have another

conversation in terms of next legislative session. So, I urge you all to vote up on this. Thank you."

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

"I just wanted to address the senator from North Shore, who I think raised excellent and very valid points. I wanted to say that in my district, the vast majority of rentals that are occupied by the working class are definitely worth less than \$1 million. So, I think if we craft it to specifically target luxury homes – maybe they could even be \$2 million or more – and exempt multi-family homes to make sure that we're really looking at these luxury homes that are used maybe for vacation rentals and that kind of thing by people who are foreign investors, and beachfront properties, I think then we will hopefully avoid hurting the renters. So, thank you."

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

"I think this is the moment where we can show that we truly respect our teachers as a profession. I went to public school. My father was a public school teacher and all of my in-laws are schoolteachers. I think that if we don't start really stepping up for education, we will never show that we truly support expanding the opportunities for our children to move up through the middle class and have greater opportunities. So, I'm surprised that we haven't done this before, but I'm honored we're doing it today."

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

"I also am a proud graduate of the public school system, and if not for public schools, I don't know if I'd be sitting in this seat here today. But I also, in 2012, got certified as a substitute teacher. I understand how hard it is to be a teacher, but it's also so very rewarding. To be able to frame and develop young people's minds, I think, is something that we need to reward our teachers for. And our teaching profession should be respected and they should be making \$150,000 or more a year – that's the kind of profession it is and that's how important our teachers are, and it's about time that we start to look at that. I feel that we in the Legislature should be funding them, and if we're not, then we need to find other ways, and this is a creative way. But just to emphasize that it is the voters who will decide – it's the renters and the voters and everyone else who will have that opportunity to make that decision, and that is our democracy in progress. So, I support the measure and urge my colleagues to do the same. Mahalo."

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

"As a former educator and school administrator, I rise in support of the measure. You know, there have been many polls taken of the public's view about supporting education, and, as we know, polls come and go. But this is one measure that will actually be put before the public and that really comes to putting where your economic sense and your support for education are, so they have an opportunity to show that, more than just a poll, there's real teeth behind this. And I think having that support going forward – assuming we get the necessary votes to make it go – that it's time we can maybe make an impact for public education in the State of Hawai'i. On that, I'll be voting in favor of the motion. Thank you."

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

"I know that many things have been said on this floor in support of this measure and, definitely, as a proud public school graduate of Castle High School and the proud mother of two

little boys who will be part of the Class of 2026 and 2028 of Castle High School – third-generation proud Knights – definitely, I am in support of a measure that will put more resources toward our public schools. But I also definitely want to add that I think, as a legislature, we’ve been doing things every single day that will also support education, which is something that we have to do in parallel. So, I want to also thank our Ways and Means committee and our chair for taking steps already to make sure that base funding – something I know that is not easy to do – already continues to rise the tide, which is essential and not easy, because while we look for alternative means of funding for our schools, we know that base funding is what is critical and sustainable to make sure that all of our children, all of our teachers and educators, have the resources that they need to make sure that our future is bright, that our children are supported, our teachers have the resources to make sure that they are prepared to enter the world educated and supported every single day. You know, every morning I walk by hundreds of little ones, parents, teachers, and I see the struggles, but I see the opportunities, the challenges, in their faces.

“So, this is really an opportunity that we present to our voters, a real challenge to be able to say yes or no on that ballot, but really something that we’re looking at to be able to supplement the resources that we’re providing. But I really want to thank all of you for, number one, casting that vote for that budget that provides this opportunity already, immediately, but also now, with this vote on this constitutional amendment, providing the voters with an opportunity for themselves to be able to say, ‘Yes, we continue to support our educators and our children as the future for this state.’ So, strong support for this measure and I also commend you, colleagues, for everything that we’ve been doing to make sure that that base funding that is so critical is there for our students and our teachers. Thank you.”

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

“I wanted to address the funding fact and whether this is coming through real property taxes, et cetera. You know, the reason why Hawai‘i boasts how low our property taxes are is because they pay zero dollars into the state funds or into our education funds and, frankly, I wouldn’t be bragging about that when our keiki and our schools are so lacking. If it’s not going to be through the increase of real property taxes or some kind of tax, it’s going to be general excise tax. Do we continue to raise that or do we cut somewhere? Do we cut from our Department of Human Services, who takes the biggest bite out of the state’s budget, mainly because a lot of our kūpuna are living longer and we prize them dearly, so we pay for kupuna programs. Are we going to now pit our kūpuna against our keiki? I think not. I think we have to stand up and look at this: Do we want to educate our keiki to the best of our ability? So, please consider that when you vote, and let’s pass this con am today. Aloha.”

The Chair remarked:

“My wife was a member of HSTA and a teacher for nearly 20 years, but I’m not going to ask for a ruling on a conflict as she is in year 15 of what was intended to be a one-year sabbatical and is not employed by HSTA at this particular time. I know that we’ve heard a lot of testimony, especially in support, and the normally non-biased press appears to have weighed in with their red attire as well this morning.”

The motion was put by the Chair and carried, the Senate agreed to the amendments made by the House to S.B. No. 2922, S.D. 1, and S.B. No. 2922, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLES VIII AND X OF THE CONSTITUTION OF THE STATE OF HAWAII TO AUTHORIZE THE LEGISLATURE

TO ESTABLISH A SURCHARGE TO INCREASE FUNDING FOR PUBLIC EDUCATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Riviere). Excused, 1 (Harimoto).

ADOPTION OF A RESOLUTION

MATTER DEFERRED FROM FRIDAY, APRIL 20, 2018

Stand. Com. Rep. No. 3805 (H.C.R. No. 52, H.D. 1, S.D. 1):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and H.C.R. No. 52, H.D. 1, S.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS BOTH THE SOCIAL AND FINANCIAL EFFECTS OF PROPOSED MANDATED HEALTH INSURANCE COVERAGE FOR THE COSTS OF MEDICALLY NECESSARY TRANSPORTATION TO THE CONTINENTAL UNITED STATES FOR QUALIFYING PATIENTS,” was adopted.

FINAL READING

Conf. Com. Rep. No. 1-18 (S.B. No. 192, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 1-18 and S.B. No. 192, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE STATE BUDGET,” was deferred until Wednesday, April 25, 2018.

MISCELLANEOUS BUSINESS

RECONSIDERATION OF ACTIONS TAKEN

S.C.R. No. 142 (H.D. 1):

Senator Baker moved that the Senate reconsider its action taken on April 18, 2018, in disagreeing to the amendments proposed by the House to S.C.R. No. 142, seconded by Senator Tokuda and carried.

Senator Baker then moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 142, seconded by Senator Tokuda.

Senator Baker noted:

“This measure started out to look like a resolution for Cancer Week in Hawai‘i. That resolution was adopted by the House; we adopted the House version. This was the companion to that measure and was amended to address a very important topic, especially in light of the recent passage of our death-with-dignity bill. This SCR now addresses palliative care, and I would ask that we accept these amendments made by the House and move this measure forward.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 142, and S.C.R. NO. 142, H.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP TO EXAMINE PALLIATIVE CARE SERVICES AND DEVELOP RECOMMENDATIONS TO EXPAND PALLIATIVE CARE SERVICES IN HAWAII,” was placed on the calendar for Final Adoption on Tuesday, April 24, 2018.

S.C.R. No. 186, S.D. 1 (H.D. 1):

Senator Inouye moved that the Senate reconsider its action taken on April 18, 2018, in disagreeing to the amendments proposed by the House to S.C.R. No. 186, S.D. 1, seconded by Senator Espero and carried.

Senator Inouye then moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 186, S.D. 1, seconded by Senator Espero.

Senator Inouye noted:

"I believe we need a process to improve all of the roads used by the public in our beautiful Aloha State and the amendments made to Senate Concurrent Resolution 186 is the right place to start. What it does is it urges the Office of the Mayor, County of Hawai'i, to study the feasibility of creating an oversight authority for subdivisions in the County of Hawai'i; validates homeowner associations if none are stated in subdivision deeds for those subdivisions with private roads; audits or validates disputed assessments imposed by such homeowner associations; as well as resolves disputes on such matters between property owners and their respective homeowner associations. Therefore, Mr. President, colleagues, I agree with the amendments made by the House to S.C.R. 186."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 186, S.D. 1, and S.C.R. NO. 186, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE OFFICE OF THE MAYOR, COUNTY OF HAWAII TO STUDY THE FEASIBILITY OF CREATING AN OVERSIGHT AUTHORITY FOR SUBDIVISIONS IN THE COUNTY OF HAWAII," was placed on the calendar for Final Adoption on Tuesday, April 24, 2018.

At this time, Senator Kidani congratulated the Mililani Town Association on its fiftieth anniversary celebration, as well as the Mililani High School varsity baseball team on winning the Oahu Interscholastic Association championship, and Kipapa Elementary School Principal Corinne Yogi for receiving the Masayuki Tokioka/Island Insurance Excellence in School Leadership award. Senator Kidani then thanked her colleagues for supporting S.B. No. 2922, S.D. 1, H.D. 1, and invited the members to a luncheon provided by the Hawaii State Teachers Association in Room 329.

APPOINTMENT OF CONFEREES

S.B. No. 134, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 134, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, chair; Kahele, Taniguchi, co-chairs; Nishihara, Tokuda as managers on the part of the Senate at such conference.

S.B. No. 481, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 481, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Rhoads, chair; Gabbard, Nishihara, English, co-chairs; Thielen as manager on the part of the Senate at such conference.

S.B. No. 783, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 783, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Gabbard, chair; Galuteria, co-chair; Nishihara as manager on the part of the Senate at such conference.

S.B. No. 1208, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1208, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Gabbard, chair; Rhoads,

Keith-Agaran, co-chairs on the part of the Senate at such conference.

S.B. No. 2027, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2027, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Green, chair; Espero, English, co-chairs; Chang, Kahele as managers on the part of the Senate at such conference.

S.B. No. 2556, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2556, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Gabbard, chair; Riviere, co-chair; Ruderman as manager on the part of the Senate at such conference.

S.B. No. 2897, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2897, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; English, co-chair; Galuteria as manager on the part of the Senate at such conference.

S.B. No. 3001, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3001, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Kidani, English, co-chairs on the part of the Senate at such conference.

H.B. No. 635, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 635, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Rhoads, English, co-chairs on the part of the Senate at such conference.

H.B. No. 1270, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1270, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Rhoads, chair; Keith-Agaran, Inouye, co-chairs on the part of the Senate at such conference.

H.B. No. 1508, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1508, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Wakai, English, co-chairs on the part of the Senate at such conference.

H.B. No. 1767, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1767, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Kahele, Galuteria, co-chairs on the part of the Senate at such conference.

H.B. No. 1773, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1773, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Rhoads,

Thielen as managers on the part of the Senate at such conference.

H.B. No. 1830, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1830, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Kahele, Galuteria, co-chairs on the part of the Senate at such conference.

H.B. No. 1911, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1911, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, chair; Espero, Ihara as managers on the part of the Senate at such conference.

H.B. No. 1926, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1926, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Green, chair; Shimabukuro, Chang, co-chairs; Wakai as manager on the part of the Senate at such conference.

H.B. No. 1938, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1938, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Kahele, co-chair; Shimabukuro as manager on the part of the Senate at such conference.

H.B. No. 1986, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1986, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Wakai, chair; Rhoads, Gabbard, English, co-chairs on the part of the Senate at such conference.

H.B. No. 2003, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2003, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Taniguchi, Espero, co-chairs; Kim as manager on the part of the Senate at such conference.

H.B. No. 2007, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2007, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Kahele, Dela Cruz, co-chairs on the part of the Senate at such conference.

H.B. No. 2012, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2012, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Wakai, chair; Green, Galuteria, co-chairs on the part of the Senate at such conference.

H.B. No. 2033, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2033, H.D. 1, and the request for a conference on the subject matter thereof,

the President appointed Senators Taniguchi, chair; Kim, Rhoads as managers on the part of the Senate at such conference.

H.B. No. 2041, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2041, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Wakai, chair; Gabbard, Kahele, co-chairs; Galuteria as manager on the part of the Senate at such conference.

H.B. No. 2060, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2060, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, chair; Chang, Tokuda as managers on the part of the Senate at such conference.

H.B. No. 2084, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2084, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Wakai, chair; Galuteria, Shimabukuro, co-chairs; Thielen as manager on the part of the Senate at such conference.

H.B. No. 2161 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2161, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Kahele, Shimabukuro, co-chairs on the part of the Senate at such conference.

H.B. No. 2162, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2162, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kidani, chair; Kahele, co-chair; Espero as manager on the part of the Senate at such conference.

H.B. No. 2175, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2175, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Nishihara, Espero, Dela Cruz, co-chairs on the part of the Senate at such conference.

H.B. No. 2176, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2176, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kidani, chair; Galuteria, co-chair; Kahele as manager on the part of the Senate at such conference.

H.B. No. 2435, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2435, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Baker, Espero, co-chairs on the part of the Senate at such conference.

H.B. No. 2462, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2462, H.D. 1,

and the request for a conference on the subject matter thereof, the President appointed Senators Gabbard, chair; English, co-chair; Ruderman as manager on the part of the Senate at such conference.

H.B. No. 2508, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2508, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kidani, chair; Kahele, co-chair; Espero as manager on the part of the Senate at such conference.

H.B. No. 2528, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2528, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Green, chair; Nishihara, Taniguchi, Shimabukuro, co-chairs on the part of the Senate at such conference.

H.B. No. 2530, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2530, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Green, chair; Baker, co-chair; Chang as manager on the part of the Senate at such conference.

H.B. No. 2587, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2587, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Nishihara, Kahele, co-chairs on the part of the Senate at such conference.

H.B. No. 2589, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2589, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Taniguchi, Espero, co-chairs; Gabbard as manager on the part of the Senate at such conference.

H.B. No. 2613, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2613, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kahele, chair; Rhoads, Galuteria, co-chairs on the part of the Senate at such conference.

H.B. No. 2657, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2657, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, chair; Ruderman, Tokuda as managers on the part of the Senate at such conference.

H.B. No. 2684, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2684, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Kahele, English, co-chairs on the part of the Senate at such conference.

H.B. No. 2748, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2748, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Dela Cruz, chair; Baker, Espero, co-chairs on the part of the Senate at such conference.

ADJOURNMENT

At 12:05 p.m., on motion by Senator Espero, seconded by Senator English and carried, the Senate adjourned until 11:30 a.m., Tuesday, April 24, 2018.