

## FORTY-FIRST DAY

## Friday, March 29, 2019

The Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019, convened at 11:35 a.m. with the President in the Chair.

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

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

Senator Shimabukuro welcomed guests from Boys & Girls Clubs of Hawai'i, who were present in the gallery: clubhouse director Kekoa Fernandez and student Devaughn Redd from the Nānākuli NFL YET Boys & Girls Club; Claudia "Lala" Fernandez, regional director – Leeward; and from the Wai'anāe Boys & Girls Club—students Lei-Shell Kapihe and Loleina Kamaka, Kekaula Tupua, youth development director – teens, and Kauai Mead, staff member.

Senator Keohokalole recognized State Representative Della Au Belatti, who was seated in the gallery.

Senator Keith-Agaran welcomed guests from Boys & Girls Clubs of Maui, who were present in the gallery: students Naomi Farnsworth, Tahiti Ahsam, Lynnea Lopez, and Franco Melgar; Mandy Trella, director of special events and marketing; Stephen Bennett, director of operations; Kelly Pearson, chief executive officer; and Jamee Palomique, Central Club director.

Senator Inouye recognized Councilmember Tim Richards of the Hawai'i County Council, who was seated in the gallery.

Senator Kahele honored the 2019 Boys & Girls Club of Hawaii Youth of the Year finalists, and presented the following remarks:

"Colleagues, today we have the honor of recognizing five special individuals: the finalists for the 2019 Boys & Girls Club of Hawaii state Youth of the Year. The annual Boys & Girls Club's Youth of the Year program offers exceptional teens the opportunity to be recognized for choices and positive behavior that warrants the opportunity to celebrate this. The premier character and leadership program celebrates club members' service to club, community, and family; academic performance; ethical values; life goals; poise and public speaking ability. The program fosters young people's personal growth and leadership qualities.

"Our first Youth of the Year honoree is Kiana Kaneshiro. Kiana is from my district in Hilo, Hawai'i, and has been a member of the Boys & Girls Club for four years. She is an active member of her local clubhouse and actively participates in club programs and activities. Kiana is a high school freshman who maintains a 3.5 grade point average. She is a member of her school's judo and wrestling teams and participates in the Japan club, student council, and as a Special Olympics volunteer. She also volunteers at her church's monthly food drive and spends her summers cooking and serving hot meals to the needy in her community. Kiana, your servant leadership is a shining example for many in our community. Congratulations on your hard work and best of luck representing Hilo and Hawai'i island in the Youth of the Year competition. I would now like to pass the microphone to the senator from Central Maui."

Senator Keith-Agaran rose to present the following remarks:

"I'm pleased to introduce to you the Maui Youth of the Year finalist, Chassen Kosi-Cortez. Chassen is a member of the Boys & Girls Club of Maui – Central Clubhouse and has been

participating in club programs for seven years. At his local clubhouse, he is an active participant in the Keystone Club, Power Hour, and various club sports. Chassen is a sophomore at Maui High School and maintains a 4.0 GPA. He's very active in the community and volunteers regularly with his church and donates his personal time to providing basic needs to those in the community who are less fortunate. Chassen, on behalf of the Maui Senate delegation—Senator English, Senator Baker, and myself—we wish you the best of luck in the competition. I now recognize my colleague from Senate District 12."

Senator Moriwiki rose to present the following remarks:

"I have the distinct pleasure of recognizing another of our Youth of the Year finalists, Anissa Ortiz-Esquivel. She represents the Boys & Girls Club of Hawai'i – Spalding Clubhouse in my district, where she has been a member for five years. Anissa participates in many community service projects through the club's Leaders in Training (LIT) program. She also participated as a junior staff member at the clubhouse, where she assisted in running mentorship programs for youth aged seven to ten. Anissa is a senior at Kaimuki High School and is gaining college credits through the dual credit program at Kapi'olani Community College. Anissa has impressed many with her leadership skills and dedication to service. Through her participation with the LIT program, she has found many ways to give back to the community and impact others through servant leadership. Her advocacy and success will surely inspire all youth who pass through the doors of their local Boys & Girls Club. Anissa, on behalf of my colleagues in the Senate, congratulations on your hard work and for being a finalist in the Youth of the Year competition. Aloha.

"Mr. President, colleagues, on behalf of Senator Kim, who couldn't be here, I also have the honor of introducing Azana Queen, another Youth of the Year finalist. Azana is representing the Fort Shafter Youth Center, where she has been participating in the program for three years. At the Fort Shafter Youth Center, she is actively involved in the Keystone Club, the Pacific Teen Panel, and the Youth Leadership Forum. Azana is a junior at La Pietra Hawaii School for Girls and maintains a 3.76 GPA. She is enrolled in a number of advanced placement courses where she earned college credit and took first place at the 2019 La Pietra American Mathematics Competition. Azana is active in the community and volunteers regularly with the Red Cross Club and the National Honor Society. Colleagues, please join me in recognizing Azana Queen. Thank you. I now turn the mic over to the senator from Salt Lake."

Senator Wakai rose to present the following remarks:

"Colleagues, our last and illustrious finalist is back for her second year in a row competing in the Youth of the Year competition. Ladies and gentlemen, welcome Hannah Bethard. Hannah's here representing the Boys & Girls Club of Hawaii – Joint Base Pearl Harbor Hickam. Hannah has been a member of the Boys & Girls Club for four years. She immerses herself in everything that the club has to offer: more specifically, the SMART Girls program (it's an all-female leadership program). Hannah is a junior who is enrolled in rigorous academic courses, such as advanced placement literature, psychology, and statistics. She also participates in her school's Navy Junior Reserve Officers' Training Corps (JROTC) and has achieved the rank of chief petty officer. Hannah has impressed many with her advocacy for mental health issues. She selflessly gives her time to take on and talk to her peers, members of the club, and other social groups about the importance of seeking help and understanding best mental health practices. Hannah, on behalf of my colleagues, congratulations on being a finalist and best of

luck in your future aspirations. Now, I'd like to pass the baton over to our senator from Hilo."

Senator Kahele rose and stated:

"Colleagues, before we end, I would like to recognize some special guests who have also joined us in the gallery. With us today are students who also participated in the Youth of the Year competition on their respective islands. As you know, this is a tough competition and all of the students who compete are outstanding individuals, so please give a round of applause. If you are a Youth of the Year finalist, please stand, and if you participated in the program, please stand to be recognized. Also in the gallery are Gail Hamasu, the resource development director; Valentina Martinez, the grants manager; and from my very own island, Hilo, Hawai'i, the Boys & Girls Club of the Big Island chair Tonya Ozone. Can you please rise, and welcome to the Hawai'i State Senate! Thank you, Mr. President."

The Chair acknowledged Asaka Herman, Boys & Girls Club of Hawai'i - Līhu'e Clubhouse director; and Jessica-Ann Herman and Kody Kobayashi, 2019 Youth of the Year honorees.

At 11:46 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:51 a.m.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 513 to 515) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 513, transmitting H.C.R. No. 116, H.D. 1, which was adopted by the House of Representatives on March 28, 2019, was placed on file.

By unanimous consent, H.C.R. No. 116, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING A GAMBLING ADVISORY GROUP TO EXAMINE AND ASSESS THE IMPACTS OF GROWING ACCESS TO ONLINE AND ILLEGAL GAMBLING IN HAWAII," was referred jointly to the Committee on Government Operations and the Committee on Commerce, Consumer Protection, and Health.

Hse. Com. No. 514, transmitting H.C.R. No. 225, H.D. 1, which was adopted by the House of Representatives on March 28, 2019, was placed on file.

By unanimous consent, H.C.R. No. 225, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING A TASK FORCE TO EXAMINE AND RECOMMEND LAWS AND REGULATIONS TO UPDATE PRIVACY LAW," was referred to the Committee on Judiciary.

Hse. Com. No. 515, informing the Senate that on March 28, 2019, the House disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 68, H.D. 1 (S.D. 1); and  
H.B. No. 314, H.D. 1 (S.D. 1),

was placed on file.

#### STANDING COMMITTEE REPORTS

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 1657) recommending that S.C.R. No. 157 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1657 and S.C.R. No. 157, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO DEVELOP A SUSTAINABLE FOOD

SECURITY STRATEGIC PLAN AND PREPARE AN ANNUAL REPORT TO THE LEGISLATURE," was deferred until Monday, April 1, 2019.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 1658) recommending that S.R. No. 123 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1658 and S.R. No. 123, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO DEVELOP A SUSTAINABLE FOOD SECURITY STRATEGIC PLAN AND PREPARE AN ANNUAL REPORT TO THE LEGISLATURE," was deferred until Monday, April 1, 2019.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 1659) recommending that S.C.R. No. 153 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1659 and S.C.R. No. 153, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO STUDY AND MAKE RECOMMENDATIONS ON HOW TO INCREASE COMPLIANCE WITH THE VARIOUS REQUIREMENTS FOR AGRICULTURAL LANDS AND TO PREVENT ABUSE OF AGRICULTURAL LAND LEASES," was deferred until Monday, April 1, 2019.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 1660) recommending that S.R. No. 119 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1660 and S.R. No. 119, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO STUDY AND MAKE RECOMMENDATIONS ON HOW TO INCREASE COMPLIANCE WITH THE VARIOUS REQUIREMENTS FOR AGRICULTURAL LANDS AND TO PREVENT ABUSE OF AGRICULTURAL LAND LEASES," was deferred until Monday, April 1, 2019.

Senators Gabbard and Nishihara, for the Committee on Agriculture and Environment and the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a joint report (Stand. Com. Rep. No. 1661) recommending that S.C.R. No. 35, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1661 and S.C.R. No. 35, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE HAWAII STATE DEPARTMENT OF HEALTH TO REJECT THE APPROVAL OF A SINGLE WALL TANK UPGRADE ALTERNATIVE OPTION FOR THE RED HILL BULK FUEL STORAGE FACILITY AND THE CONCLUSIONS PRESENTED IN THE GROUNDWATER PROTECTION AND EVALUATIONS CONSIDERATIONS REPORT FOR THE RED HILL BULK FUEL STORAGE FACILITY DATED JULY 27, 2018," was deferred until Monday, April 1, 2019.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1662) recommending that S.C.R. No. 143 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1662 and S.C.R. No. 143, entitled: "SENATE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION TO INCLUDE INSTRUCTION IN CARDIOPULMONARY RESUSCITATION INTO HEALTH EDUCATION CURRICULUM FOR STUDENTS IN GRADES NINE

THROUGH TWELVE IN ALL PUBLIC SCHOOLS IN THE STATE,” was deferred until Monday, April 1, 2019.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1663) recommending that S.R. No. 110 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1663 and S.R. No. 110, entitled: “SENATE RESOLUTION URGING THE BOARD OF EDUCATION TO INCLUDE INSTRUCTION IN CARDIOPULMONARY RESUSCITATION INTO HEALTH EDUCATION CURRICULUM FOR STUDENTS IN GRADES NINE THROUGH TWELVE IN ALL PUBLIC SCHOOLS IN THE STATE,” was deferred until Monday, April 1, 2019.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1664) recommending that S.C.R. No. 187 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1664 and S.C.R. No. 187, entitled: “SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ADOPT THE USE OF ELECTRONIC TRANSCRIPTS,” was deferred until Monday, April 1, 2019.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1665) recommending that S.R. No. 150 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1665 and S.R. No. 150, entitled: “SENATE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ADOPT THE USE OF ELECTRONIC TRANSCRIPTS,” was deferred until Monday, April 1, 2019.

Senator Rhoads, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1666) recommending that S.C.R. No. 131 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1666 and S.C.R. No. 131, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS TO CONVENE A LIMITED NATIONAL CONVENTION UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION FOR THE EXCLUSIVE PURPOSE OF PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION THAT WILL LIMIT THE INFLUENCE OF MONEY IN THE ELECTORAL PROCESS,” was deferred until Monday, April 1, 2019.

Senators Gabbard and Nishihara, for the Committee on Agriculture and Environment and the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a joint report (Stand. Com. Rep. No. 1667) recommending that S.R. No. 88, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator English and carried, the joint report of the Committees was adopted and S.R. No. 88, S.D. 1, entitled: “SENATE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO DESIGNATE AREAS IN EACH COUNTY FOR DAIRY OPERATIONS AND DEVELOP INCENTIVES TO INCREASE DAIRY OPERATIONS IN THE STATE,” was referred to the Committee on Ways and Means.

Senators Inouye and Nishihara, for the Committee on Transportation and the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a joint report (Stand. Com. Rep. No. 1668) recommending that H.B. No. 323, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kahele, seconded by Senator English and carried, the joint report of the Committees was adopted and H.B. No. 323, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION,” passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 2019.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1669) recommending that H.B. No. 168, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kahele, seconded by Senator English and carried, the report of the Committee was adopted and H.B. No. 168, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ELECTRONIC TRANSMISSION OF BALLOTS,” passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 2019.

## ORDER OF THE DAY

### AGREE/DISAGREE

#### MATTER DEFERRED FROM THURSDAY, MARCH 28, 2019

S.B. No. 767, S.D. 1 (H.D. 1):

By unanimous consent, action on S.B. No. 767, S.D. 1 (H.D. 1), entitled: “A BILL FOR AN ACT RELATING TO CONTRACTORS,” was deferred until Monday, April 1, 2019.

### ADVISE AND CONSENT

Stand. Com. Rep. No. 1656 (Gov. Msg. No. 635):

Senator Inouye moved that Stand. Com. Rep. No. 1656 be received and placed on file, seconded by Senator Harimoto and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of OSCAR DELLINGER III to the Medical Advisory Board, term to expire June 30, 2023, seconded by Senator Harimoto.

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

Ayes, 22. Noes, none. Excused, 3 (Fevella, Ihara, Kim).

### ADOPTION OF RESOLUTIONS

#### MATTERS DEFERRED FROM THURSDAY, MARCH 28, 2019

Stand. Com. Rep. No. 1652 (S.C.R. No. 7, S.D. 1):

On motion by Senator Kahele, seconded by Senator English and carried, the report of the Committee was adopted and S.C.R. No. 7, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC SAFETY, TO WORK WITH THE FAMILY REUNIFICATION WORKING GROUP AND OTHER COMMUNITY STAKEHOLDERS TO DEVELOP A PLAN TO ESTABLISH VISITATION CENTERS AT ALL STATE CORRECTIONAL FACILITIES AND JAILS,” was adopted.

Stand. Com. Rep. No. 1653 (S.R. No. 7, S.D. 1):

On motion by Senator Kahele, seconded by Senator English and carried, the report of the Committee was adopted and S.R. No. 7, S.D. 1, entitled: “SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC SAFETY, TO WORK WITH THE FAMILY REUNIFICATION WORKING GROUP AND OTHER

COMMUNITY STAKEHOLDERS TO DEVELOP A PLAN TO ESTABLISH VISITATION CENTERS AT ALL STATE CORRECTIONAL FACILITIES AND JAILS,” was adopted.

Stand. Com. Rep. No. 1654 (S.C.R. No. 63, S.D. 1):

On motion by Senator Kahele, seconded by Senator English and carried, the report of the Committee was adopted and S.C.R. No. 63, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE REAL ESTATE COMMISSION TO CONDUCT A STUDY ON THE IMPLEMENTATION OF RECOMMENDATIONS FOUND IN THE CONDOMINIUM GOVERNANCE – AN EXAMINATION OF SOME ISSUES 1989 REPORT BY THE LEGISLATIVE REFERENCE BUREAU,” was adopted.

Stand. Com. Rep. No. 1655 (S.R. No. 41, S.D. 1):

On motion by Senator Kahele, seconded by Senator English and carried, the report of the Committee was adopted and S.R. No. 41, S.D. 1, entitled: “SENATE RESOLUTION REQUESTING THE REAL ESTATE COMMISSION TO CONDUCT A STUDY ON THE IMPLEMENTATION OF RECOMMENDATIONS FOUND IN THE CONDOMINIUM GOVERNANCE – AN EXAMINATION OF SOME ISSUES 1989 REPORT BY THE LEGISLATIVE REFERENCE BUREAU,” was adopted.

### THIRD READING

Stand. Com. Rep. No. 1651 (H.B. No. 1180, H.D. 1):

Senator Dela Cruz moved that Stand. Com. Rep. No. 1651 be adopted and H.B. No. 1180, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Keith-Agaran.

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

“On behalf of the people of lower Puna, we appreciate the help from our state government. These funds will go a long way for long-term recovery for people who’ve lost everything in many cases. I especially want to thank our WAM chair for his strong leadership and firm commitment to helping those in need. Much of what happened in lower Puna last year is not fixable, but we still have great needs to help people get back on their feet, to restore lost economic activity, including farming, tourism, and infrastructure. I’d also like to thank my colleagues, especially my Big Island colleagues, who have had unwavering and unified support for my community in our time of need. Thank you.”

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

“I would also like to enter into the Journal the comments of my colleague from Puna as if they were my own, and I’d also like to add and thank the Senate Ways and Means chair as well as the House Finance chair and the House leadership as well as the members of this chamber who, within a week of the eruption, flew to Hawai’i island at a moment’s notice (to include most of you—I’m including you, Mr. President) to see what was happening in lower Puna. Little did we know of the extent of the damage that would come after that visit, so very, very grateful to the House and Senate, and I know Hawai’i island stands with Senator Ruderman and Puna. Mahalo.”

The Chair remarked

“I’ll just say my opening statement on Opening Day was the relief for the Big Island, so I’m excited that I’ve gotten at least one thing right on Opening Day. So, to the WAM Chair, the Big Island contingent, and the members, thank you for your hard work; as we go through the last 20 days, we’ll see how many other things come to pass.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1651 was adopted and H.B. No. 1180, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO NATURAL DISASTERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Fevella, Kim).

### RE-REFERRAL OF A HOUSE BILL

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

H.B. No.: Re-referred to:

H.B. No. 307 Jointly to the Committee on Energy, Economic Development, and Tourism and the Committee on Commerce, Consumer Protection and Health, and the Committee on Ways and Means

Senator Baker reminded the members about the Women’s Legislative Caucus Easter basket donation drive, and encouraged their participation.

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

“Colleagues, one year ago, our colleague from Pearl City was given one year to live by his doctors. That one-year point passed two days ago and, thankfully, as you can see, he’s still here. I’m sure you all share my gratitude for this miracle, and hope for many more such milestones to pass uneventfully. Thank you.”

### ADJOURNMENT

At 11:58 a.m., on motion by Senator Kahele, seconded by Senator English and carried, the Senate adjourned until 11:30 a.m., Monday, April 1, 2019.