

‘Aha Kenekoa ‘Aha‘ōlelo Iwakāluakumamāiwa
THE SENATE
OF THE
TWENTY-NINTH LEGISLATURE
Moku‘āina ‘O Hawai‘i
STATE OF HAWAII
‘Ākoakoa Kūmau MH 2017
REGULAR SESSION OF 2017

Lā Kanahākumamāwalu
FORTY-EIGHTH DAY

13 ‘Apelila 2017 - Po‘ahā - Hola 11:30 A.M.
APRIL 13, 2017-THURSDAY-11:30 O'CLOCK A.M.

Papahana O Ka Lā
ORDER OF BUSINESS

Kāhea Papainoa
ROLL CALL

‘Āpono Mo‘olelo O Ka Puke Hālāwai
APPROVAL OF THE JOURNAL

Ho‘olauna Mea Kipa
INTRODUCTIONS

- Ho‘olauna Ma Ka ‘Ākoakoa Nui
- FLOOR PRESENTATION:

RECOGNIZING AND HONORING COACH DAVE SHOJI. (Senators Kahele and Taniguchi)

Ho‘oka‘a‘ike Mai Ke Kia‘āina
MESSAGES FROM THE GOVERNOR: Nos. 835-836

MEASURE

TITLE

REFERRAL

[G.M. No. 835](#)

Letter dated 04-11-2017, correcting the spelling of the Gubernatorial Nominee's last name on GM806 (name amended to ANACLETO ALCANTARA, JR.).

FILE

[G.M. No. 836](#)

Informing the Senate that on 04-11-2017, the Governor has withdrawn DAVID LOVELACE, Gubernatorial Nominee to the Board of Electricians and Plumbers, from consideration by the Senate (GM770).

FILE

Ho‘oka‘a‘ike Mai Nā ‘Oihana
DEPARTMENTAL COMMUNICATIONS: None

Ho‘oka‘a‘ike No Ka Hale
HOUSE COMMUNICATION Nos. 546-584

Returning the following Senate Bills which passed Third Reading in the House on April 11, 2017, in an amended form:

REFERRAL

- | | | |
|-----|---|----------------|
| 546 | S.B. No. 26, S.D. 1, H.D. 1
"MAKING AN APPROPRIATION TO THE OFFICE OF THE PROSECUTING ATTORNEY FOR HAWAII COUNTY."(Office of the Prosecuting Attorney for Hawaii County; Career Criminal Prosecution Unit; Subsidy; Appropriation) | AGREE/DISAGREE |
| 547 | S.B. No. 133, S.D. 2, H.D. 2
"RELATING TO PUBLIC EMPLOYEES' FRINGE BENEFITS."(ERS; EUTF; Experience Studies; Valuation Reports) | AGREE/DISAGREE |
| 548 | S.B. No. 194, H.D. 2
"RELATING TO TUBERCULOSIS TESTING."(Tuberculosis Testing; Department of Education; Department of Health) | AGREE/DISAGREE |
| 549 | S.B. No. 207, S.D. 2, H.D. 2
"RELATING TO EMPLOYEES."(Appropriation; Collective Bargaining Cost Items; Maui Region Hospitals Transfer; Credited Service; EUTF; Separation Benefits; Repeal) | AGREE/DISAGREE |

- | | | |
|-----|--|----------------|
| 550 | <u>S.B. No. 224, S.D. 2, H.D. 2</u>
"RELATING TO PSYCHOLOGY."(School Psychologists; Licensure; Board of Psychology) | AGREE/DISAGREE |
| 551 | <u>S.B. No. 288, S.D. 2, H.D. 2</u>
"RELATING TO SELF-SERVICE STORAGE FACILITIES."(Self-service Storage Facilities; Owners; Occupants; Notice; Towing) | AGREE/DISAGREE |
| 552 | <u>S.B. No. 339, S.D. 1, H.D. 1</u>
"RELATING TO INFORMATION CHARGING."(Criminal Procedure; Crimes; Information Charging; Felonies) | AGREE/DISAGREE |
| 553 | <u>S.B. No. 369, S.D. 1, H.D. 1</u>
"RELATING TO CONDOMINIUMS."(Condominiums; Associations; Board of Directors; Condominium Owners; Violations; Retaliation; Prohibition) | AGREE/DISAGREE |
| 554 | <u>S.B. No. 429, S.D. 2, H.D. 2</u>
"RELATING TO THE UNIFORM EMPLOYEE AND STUDENT ONLINE PRIVACY PROTECTION ACT."(Online Privacy; Employees; Applicants; Students; Prospective Students) | AGREE/DISAGREE |
| 555 | <u>S.B. No. 491, S.D. 1, H.D. 1</u>
"MAKING AN APPROPRIATION TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU."(Honolulu Prosecuting Attorney Package; Grant-in-Aid; Career Criminal Prosecution Unit; Appropriation) | AGREE/DISAGREE |
| 556 | <u>S.B. No. 501, S.D. 1, H.D. 2</u>
"RELATING TO HEALTH."(Limited Service Pregnancy Centers; Disclosures; Privacy; Remedy) | AGREE/DISAGREE |
| 557 | <u>S.B. No. 502, S.D. 1, H.D. 1</u>
"RELATING TO IN VITRO FERTILIZATION INSURANCE COVERAGE."(In Vitro Fertilization; Required Insurance Coverage) | AGREE/DISAGREE |

558	<u>S.B. No. 545, S.D. 2, H.D. 1</u> "RELATING TO THE FESTIVAL OF PACIFIC ARTS."(Festival of Pacific Arts; Temporary Commission; Appropriation)	AGREE/DISAGREE
559	<u>S.B. No. 559, S.D. 1, H.D. 2</u> "RELATING TO CLIMATE CHANGE."(Climate Change; Paris Agreement; Hawaii Climate Commission; Appropriation)	AGREE/DISAGREE
560	<u>S.B. No. 562, S.D. 1, H.D. 1</u> "RELATING TO TORT LIABILITY."(County Lifeguards; Attorney General; Defense)	AGREE/DISAGREE
561	<u>S.B. No. 602, H.D. 1</u> "RELATING TO EXEMPTIONS FROM REGISTRATION FEES."(Motor Vehicles; Registration Fees; Disabled Veterans)	AGREE/DISAGREE
562	<u>S.B. No. 603, S.D. 1, H.D. 2</u> "RELATING TO CORRECTIONS."(Corrections; Correctional Facilities; Administrative and Disciplinary Segregation; Oahu Community Correctional Center Relocation; Report)	AGREE/DISAGREE
563	<u>S.B. No. 620, S.D. 2, H.D. 2</u> "RELATING TO TAXATION."(Taxation; Sales; Out-of-State Retailers or Vendors; Notification; Reporting)	AGREE/DISAGREE
564	<u>S.B. No. 686, S.D. 2, H.D. 1</u> "RELATING TO EDUCATION FUNDING."(Education Surcharge; Residential Investment Properties; Visitor Accommodations)	AGREE/DISAGREE
565	<u>S.B. No. 704, S.D. 2, H.D. 2</u> "RELATING TO VACATION RENTALS."(Vacation Rentals; Taxation; Transient Accommodations Brokers; Tax Collection Agents; General Excise Tax; Transient Accommodations Tax)	AGREE/DISAGREE

566	<u>S.B. No. 717, S.D. 2, H.D. 2</u> "RELATING TO PUBLIC REAL PROPERTY."(State Property Cleanup Program; Sheriff Patrol Program; Appropriation)	AGREE/DISAGREE
567	<u>S.B. No. 850, H.D. 2</u> "RELATING TO INFORMATION TECHNOLOGY."(Independent Verification and Validation of Information Technology Projects; Chief Information Officer)	AGREE/DISAGREE
568	<u>S.B. No. 885, S.D. 2, H.D. 2</u> "RELATING TO THE STATE RISK MANAGEMENT AND INSURANCE ADMINISTRATION."(Risk Management and Insurance Administration; Department of Accounting and General Services)	AGREE/DISAGREE
569	<u>S.B. No. 902, S.D. 1, H.D. 1</u> "RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION."(High Technology Development Corporation; Hawaii Technology Development Corporation; Repeal Hawaii Software Service Center)	AGREE/DISAGREE
570	<u>S.B. No. 908, S.D. 1, H.D. 2</u> "RELATING TO THE SMALL BUSINESS REGULATORY FLEXIBILITY ACT."(Small Business Regulatory Flexibility Act)	AGREE/DISAGREE
571	<u>S.B. No. 909, S.D. 2, H.D. 2</u> "RELATING TO ENERGY ASSURANCE."(Energy Assurance; Energy Resources; Energy Emergency Preparedness; Petroleum Shortage)	AGREE/DISAGREE
572	<u>S.B. No. 969, H.D. 2</u> "MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT."(Emergency Appropriation; Department of Human Resources Development)	AGREE/DISAGREE

573	<u>S.B. No. 997, S.D. 1, H.D. 2</u> "RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT."(Uniform Controlled Substances Act)	AGREE/DISAGREE
574	<u>S.B. No. 1006, S.D. 1, H.D. 1</u> "RELATING TO THE ESTATE AND GENERATION-SKIPPING TRANSFER TAXES."(Estate and Generation-skipping Transfer Tax)	AGREE/DISAGREE
575	<u>S.B. No. 1016, S.D. 1, H.D. 1</u> "RELATING TO TRANSPORTATION."(Transportation; Bridges; Exemptions)	AGREE/DISAGREE
576	<u>S.B. No. 1163, S.D. 1, H.D. 1</u> "RELATING TO AERONAUTICS."(Aeronautics; Administrative Rules; Penalties)	AGREE/DISAGREE
577	<u>S.B. No. 1183, S.D. 2, H.D. 2</u> "RELATING TO TAXATION."(County Surcharge on State Tax)	AGREE/DISAGREE
578	<u>S.B. No. 1201, S.D. 2, H.D. 3</u> "RELATING TO TECHNOLOGY."(Technology; Broadband; Counties; State Functions and Responsibilities)	AGREE/DISAGREE
579	<u>S.B. No. 1244, S.D. 2, H.D. 2</u> "RELATING TO AFFORDABLE HOUSING."(Affordable Housing Units; Transfer; Low-Income Housing Tax Credit; Qualified Nonprofit Housing Trusts)	AGREE/DISAGREE
580	<u>S.B. No. 1286, S.D. 2, H.D. 2</u> "RELATING TO PRIVATE TRADE, VOCATIONAL, AND TECHNICAL SCHOOLS."(Private Trade, Vocational, and Technical Schools; Licensing; Licensing Fee; Appropriation)	AGREE/DISAGREE

- 581 [S.B. No. 1290, S.D. 2, H.D. 2](#) AGREE/DISAGREE
"RELATING TO THE TRANSIENT ACCOMMODATIONS TAX."(Transient Accommodations Tax; Allocation; Homelessness; Resorts; Tourist Areas)
- 582 [S.B. No. 1294, S.D. 1, H.D. 1](#) AGREE/DISAGREE
"RELATING TO NATIVE HAWAIIAN HIGHER EDUCATION."(UH; Health Sciences; Native Hawaiians; Pacific Islanders; Appropriation)
- 583 [S.B. No. 249, S.D. 2, H.D. 1](#) AGREE/DISAGREE
"RELATING TO RETIREMENT."(Retirement; Pension; Judges; Employees' Retirement System)
- Informing the Senate that on April 11, 2017, the House disagreed to the amendments proposed by the Senate to the following House bills:
- 584 [H.B. No. 90, H.D. 1, S.D. 2](#) FILE
"RELATING TO THE NURSING FACILITY SUSTAINABILITY PROGRAM."(Nursing Facility Sustainability Program; Extension; Appropriation)
- [H.B. No. 100, H.D. 1, S.D. 1](#)
"RELATING TO THE STATE BUDGET."(State Budget)
- [H.B. No. 186, H.D. 1, S.D. 2](#)
"RELATING TO COFFEE BERRY BORER BEETLE."(Coffee Berry Borer; Subsidy Program; Appropriation)
- [H.B. No. 209, H.D. 1, S.D. 1](#)
"RELATING TO TAXATION."(Earned Income Tax Credit; Income Tax Rates; Refundable Food/Excise Tax Credit; Appropriations)

[H.B. No. 427, H.D. 2, S.D. 1](#)

"RELATING TO DARK NIGHT SKIES PROTECTION."(Light Pollution; Dark Night Skies Protection Advisory Committee; University of Hawaii)

[H.B. No. 475, H.D. 1, S.D. 2](#)

"RELATING TO MOVIE THEATRES."(Motion Picture Theater Accommodation; Closed Captioning; Open Movie Captioning; Audio Description)

[H.B. No. 492, H.D. 2, S.D. 1](#)

"RELATING TO THE HAWAII TEACHER STANDARDS BOARD."(Hawaii Teacher Standards Board; Staff; Appropriation)

[H.B. No. 632, H.D. 1, S.D. 1](#)

"RELATING TO WATER INFRASTRUCTURE LOANS."(Water Infrastructure Loans; Water Infrastructure Loan Program)

[H.B. No. 655, H.D. 1, S.D. 1](#)

"RELATING TO THE ROSE-RINGED PARAKEET."(Rose-ringed Parakeet; Department of Land and Natural Resources; Appropriation)

[H.B. No. 832, H.D. 1, S.D. 1](#)

"RELATING TO CONDOMINIUMS."(Condominiums; Condominium Association Members; Board Members; Board Meetings; Notice)

[H.B. No. 880, H.D. 1, S.D. 2](#)

"RELATING TO THE DEPARTMENT OF EDUCATION."(Mark Licensing Agreement; Department of Education)

[H.B. No. 909, H.D. 2, S.D. 1](#)

"RELATING TO THE UNIVERSITY OF HAWAII."(University of Hawaii; Research; Center for Commercialization; Appropriation)

[H.B. No. 918, H.D. 1, S.D. 1](#)

"RELATING TO EARLY INTERVENTION."(Early Intervention; Department of Health; Web-based Data System; Appropriation)

[H.B. No. 936, S.D. 1](#)

"RELATING TO TEACHER INCENTIVES."(Charter Schools; Teacher Incentives; Teacher Bonuses; Appropriation)

[H.B. No. 937, H.D. 1, S.D. 1](#)

"RELATING TO EARLY LEARNING."(Executive Office on Early Learning; Family-Child Interaction Learning Programs; Appropriation)

[H.B. No. 942, H.D. 1, S.D. 1](#)

"RELATING TO FILIPINO VETERANS."(World War II Filipino Veterans Monument; State Foundation on Culture and the Arts; Appropriation)

[H.B. No. 1006, H.D. 1, S.D. 2](#)

"RELATING TO INVASIVE SPECIES."(University of Hawaii; Hawaii Ant Lab; Little Fire Ant; Appropriation)

[H.B. No. 1028, H.D. 2, S.D. 1](#)

"RELATING TO CHARITABLE ORGANIZATIONS."(Charitable Organizations; Attorney General; Reports; Enforcement)

[H.B. No. 1229, H.D. 1, S.D. 1](#)

"RELATING TO PROCUREMENT."(Procurement; Subcontractor Listing)

[H.B. No. 1230, H.D. 1, S.D. 2](#)

"RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST MAUIGROWN COFFEE, INC."(Special Purpose Revenue Bonds; Maui; MauiGrown Coffee, Inc.)

[H.B. No. 1322, H.D. 2, S.D. 1](#)

"RELATING TO CONSTRUCTION CONTRACTS."(Procurement Code; Construction; Federal Requirements; Analysis)

[H.B. No. 1325, H.D. 1, S.D. 1](#)

"RELATING TO BIOSECURITY."(Department of Agriculture; Biosecurity Program; Import Replacements; Appropriations; Clift Tsuji Act)

[H.B. No. 1389, H.D. 1, S.D. 1](#)

"RELATING TO LIVESTOCK HARVEST FACILITIES."(Livestock Harvest Facilities; Department of Agriculture; Appropriation)

[H.B. No. 1469, H.D. 1, S.D. 2](#)

"RELATING TO PUBLIC LANDS."(Public Lands; Redevelopment; Redevelopment Districts; Boundaries; Planning Committees; Powers and Duties; District Redevelopment Plans; Designated Redevelopment District Revolving Funds; Establishment; Lease Restrictions; Appropriations; Waiakea Peninsula Redevelopment District, Planning Committee and Revolving Fund)

[H.B. No. 1498, H.D. 1, S.D. 1](#)

"RELATING TO CONDOMINIUMS."(Condominium Associations; Contracts; Resident Managers; General Managers; Operations Managers; Site Managers; Owners; Board of Directors; Mixed-use Projects; Elections; Board Members)

Ho‘oka‘a‘ike No Ka ‘Aha Kenekoa
SENATE COMMUNICATIONS: None

Ho‘oka‘a‘ike Mai Ka ‘Ao‘ao Ho‘okolokolo
JUDICIARY COMMUNICATIONS: None

Palapala Hō'ike Na Nā Kōmike Kūmau
STANDING COMMITTEE REPORT Nos. 1600-1602

[1600](#)
(One Day Notice)

(HRE)

[G.M. No. 613](#)

"Submitting for consideration and confirmation to the Western Interstate Commission For Higher Education, Gubernatorial Nominee, CAROL LEE, for a term to expire 06-30-2020."

(Recommends Senate Consent to Nomination)

[1601](#)
(One Day Notice)

(HRE)

[G.M. No. 598](#)

"Submitting for consideration and confirmation to the Hawai'i Medical Education Council, Gubernatorial Nominee, MARK MUGIISHI, for a term to expire 06-30-2019."

(Recommends Senate Consent to Nomination)

[1602](#)
(One Day Notice)

(IAA)

[G.M. No. 539](#)

"Submitting for consideration and confirmation to the Hawai'i Sister State Committee, Gubernatorial Nominee, DEBRA NAKAMA, for a term to expire 06-30-2019."

(Recommends Senate Consent to Nomination)

[1602](#)
(One Day Notice)

(IAA)

[G.M. No. 540](#)

"Submitting for consideration and confirmation to the Hawai'i Sister State Committee, Gubernatorial Nominee, KAHO'OKELEHOLU HANNAHS, for a term to expire 06-30-2017."

(Recommends Senate Consent to Nomination)

[1602](#) (IAA)
(One Day Notice)

[G.M. No. 541](#)
"Submitting for consideration and confirmation to the Hawai'i Sister State Committee, Gubernatorial Nominee, KAHO'OKELEHOLU HANNAHS, for a term to expire 06-30-2021."

(Recommends Senate Consent to Nomination)

Papahana O Ka Lā
ORDER OF THE DAY

A'oa'o A 'Ae
ADVISE AND CONSENT

[1597](#) JDL
[Status & Testimony](#)

[J.C. No. 5](#)
"Submitting for consideration and confirmation to the District Court of the First Circuit, Judicial Nominee, BRIAN A. COSTA, for a term to expire in 6 years."

[1598](#) JDL
[Status & Testimony](#)

[J.C. No. 6](#)
"Submitting for consideration and confirmation to the District Court of the First Circuit, Judicial Nominee, DAROLYN LENDIO HEIM, for a term to expire in 6 years."

[1599](#) JDL
[Status & Testimony](#)

[J.C. No. 7](#)
"Submitting for consideration and confirmation to the District Court of the First Circuit, Judicial Nominee, TRISH K. MORIKAWA, for a term to expire in 6 years."

Heluhelu 'Ekolu
THIRD READING

[\(See Floor Amendment No. 1\)](#)

[Prior Versions/Status & Testimony](#)

[H.B. No. 425, H.D. 1, S.D. 3](#)

"RELATING TO TECHNOLOGY
TRANSFER AT THE UNIVERSITY OF
HAWAII." - (JDL)

(Code of Ethics; University of Hawaii;
Technology Transfer Activities)

Ho'ouna Kōmike Ho'olohe A Ho'ouna Hou Paha
REFERRALS AND RE-REFERRALS

RE-REFERRALS FOR THURSDAY, APRIL 13, 2017

<u>MEASURE</u>	<u>TITLE</u>	<u>RE-REFERRAL</u>
H.C.R. 28	REQUESTING ADDITIONAL FUNDING FOR EDUCATION FROM THE UNITED STATES DEPARTMENT OF EDUCATION. (Requests additional funding for education from the United States Department of Education.) (EDU, WAM)	EDU
H.C.R. 80, H.D. 1	REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH A WORKING GROUP TO STUDY THE POTENTIAL TRANSFER OF MANAGEMENT AND MAINTENANCE OF THE ROYAL MAUSOLEUM AT MAUNA 'ALA TO ONE OR MORE APPROPRIATE NONPROFIT ORGANIZATIONS. (Royal Mausoleum at Mauna 'Ala; Working Group) (HWN/WTL, WAM)	HWN/WTL

[H.C.R. 159](#)

ENCOURAGING STATE DEPARTMENTS
AND AGENCIES TO IMPLEMENT
WORKSITE WELLNESS PROGRAMS.
(Worksite Wellness Program; Department of
Human Resources Development; State
Departments and Agencies) (GVO/CPH,
JDL/WAM)

JDL/WAM

[H.C.R. 198](#)

REQUESTING THE OFFICE OF
HAWAIIAN AFFAIRS TO CONVENE
STAKEHOLDERS OF NATIVE
HAWAIIAN-CULTURE-BASED
HOOPONOPONO SERVICES.
(Office of Hawaiian Affairs; Criminal Justice;
Culture) (HWN/PSM, WAM)

HWN/PSM

Ho‘oka‘a‘ike ‘Ē A‘e
MISCELLANEOUS COMMUNICATIONS: None

Hana ‘Ē A‘e
MISCELLANEOUS BUSINESS

Ho‘olaha
ANNOUNCEMENTS

- Papamanawa Ho‘olohe Palapala
- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
HWN	4/13/2017 1:15 PM	016
HWN	4/13/2017 1:16 PM	016
HWN	4/13/2017 1:17 PM	016
TRE	4/13/2017 1:20 PM	414
ETT/TRE	4/13/2017 1:45 PM	414
ETT/PSM	4/13/2017 2:00 PM	414
ETT	4/13/2017 2:15 PM	414
TRE/PSM	4/13/2017 2:30 PM	229
HOU	4/13/2017 2:45 PM	225
INFO-GVO	4/13/2017 2:45 PM	224
IAA	4/13/2017 3:00 PM	229
INFO-GVO	4/13/2017 3:00 PM	224
WTL	4/17/2017 2:45 PM	224

JDL	4/18/2017 9:30 AM	325
WAM	4/18/2017 9:30 AM	211
HRE	4/18/2017 1:15 PM	414
HRE	4/18/2017 1:30 PM	414
WTL	4/26/2017 2:45 PM	224

- Senate Session will convene at 11:30 a.m. on Monday, April 17, 2017.

Ke Pani ‘Ana
ADJOURNMENT