

## TWENTY-EIGHTH DAY

Monday, March 14, 2016

The Senate of the Twenty-Eighth Legislature of the State of Hawai'i, Regular Session of 2016, convened at 11:39 a.m. with the Vice President in the Chair.

The Roll was called showing all Senators present with the exception of Senators Chun Oakland, English, Harimoto, and Kouchi who were excused.

The Vice President announced that he had read and approved the Journal of the Twenty-Seventh Day.

At this time, Senator Baker introduced several gubernatorial nominees to boards and commissions who were present in the gallery: Tina Takashy, nominee to the Language Access Advisory Council; and Edna Kaahaaina and Michelle Pestel-Maga, nominees to the State Council on Developmental Disabilities.

Senator Slom honored Richard Lowe for his visionary contributions to the people of Hawai'i and the Hawai'i State Capitol, and presented the following remarks:

"Thank you, Mr. President and colleagues. Seated on the Senate floor today, we have someone really interesting and really special, and there are so many people that you know them for one career but you don't know them for many of the other things that they have done. We are today celebrating the life of a visionary in Hawai'i, someone who was born in California on a farm. His mother was an organist for a major church, and he started playing the piano at the age of five. He moved to Hawai'i in 1964, and he became a part of the design team for the Hawai'i Civic Center, of which we are a part.

"I neglected to mention that he had gotten his master's degree at MIT, and he was well-involved with a number of primary architectural projects and development here in Hawai'i. For example, he was involved with the Victoria Ward master plan, which is 63 acres. He also was with the real estate brokerage firm of Earl Thacker for 25 years. In 2010, he founded his own brokerage, but along the way, he got involved in master planning, and he was a no-nonsense guy in terms of if the project really merited inclusion and if it was important and if it was done right. He also was in the loan appraisal department of Coldwell Banker, and I'm told that he actually knew Mr. Coldwell. He got involved in a lot of other development things; important for us to know is that he is a U.S. Marine – once a Marine, always a Marine.

"But the interesting thing in how I met him and how many people know him is because of his piano expertise; and our honoree today is one of the most popular pianists in our community. He appears at special events, including venues of Nico's Pier 38, Nordstrom, Duc's Bistro. He's played at Washington Place, events, weddings, birthdays. And last year, he made his debut here in our office, in room 214, during the Art at the Capitol, and we're very pleased to announce that on Friday, April 1st, he's going to be entertaining you again. And I've got to tell you, there was some singing and dancing and slapping of feet last year, so we're going to have that again on April 1st.

"He is an amazing man who has accomplished a great deal, but his love for Hawai'i is the prominent thing that we're recognizing him for today, so I'd like to introduce and have him stand: Mr. Rich Lowe. And up in the gallery, one of his friends and colleagues, an architect and also a member of the MIT Alumni Association here in Hawai'i, Mr. Bundit Kanisthakhon, who has his own architectural firm, Tadpole Studio; Bundit,

please stand to be recognized. Thank you, Mr. President; thank you, colleagues, and aloha, Rich Lowe."

Senator Baker recognized Daintry Bartoldus of the State Council on Developmental Disabilities, who was present in the gallery.

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

The Senate reconvened at 11:52 a.m.

## MESSAGE FROM THE GOVERNOR

The following message from the Governor (Gov. Msg. No. 14) was read by the Clerk and was placed on file:

Gov. Msg. No. 14, letter dated March 10, 2016, as provided by Article VII, Section 9 of the Constitution of the State of Hawai'i, requesting the immediate consideration and passage of H.B. No. 2569, H.D. 2, Relating to Energy; and S.B. No. 3126, S.D. 2, Relating to Public Schools.

## STANDING COMMITTEE REPORTS

Senator Taniguchi, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 2867) recommending that the Senate advise and consent to the nominations to the Hawai'i Historic Places Review Board of the following:

ALTON OKINAKA, in accordance with Gov. Msg. No. 583;

PATRICIA GRIFFIN, in accordance with Gov. Msg. No. 584; and

PAUL MORGAN, in accordance with Gov. Msg. No. 585.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2867 and Gov. Msg. Nos. 583, 584, and 585 was deferred until Tuesday, March 15, 2016.

Senator Tokuda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2868) recommending that S.B. No. 2102, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2102, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 16, 2016.

## ORDER OF THE DAY

## ADVISE AND CONSENT

Stand. Com. Rep. No. 2858 (Gov. Msg. Nos. 580, 581, and 582):

Senator Baker moved that Stand. Com. Rep. No. 2858 be received and placed on file, seconded by Senator Kidani and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Statewide Health Coordinating Council of the following:

CLINTON YEE, term to expire June 30, 2019 (Gov. Msg. No. 580);

EMMET WHITE, term to expire June 30, 2019 (Gov. Msg. No. 581); and

FREDERICK SHAW, term to expire June 30, 2019 (Gov. Msg. No. 582),

seconded by Senator Kidani.

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

“Thank you, Mr. President. I have some remarks in strong support of Governor’s Messages 580 to 582, 598, 575 to 578, and 567 to 572. All were reviewed by the Senate Committee on Commerce, Consumer Protection, and Health, and are all well-qualified. I’d like to have those remarks entered into the Journal. Thank you.”

The Chair having so ordered, Senator Baker’s additional remarks read as follows:

“Mr. President, I rise in strong support of G.M. 580, G.M. 581, and G.M. 582.

“Over the past few weeks I have had the opportunity to review the Governor’s nominations for the Statewide Health Coordinating Council. After full consideration of the background, experience and academic qualifications of the nominees, I am proud to support Clinton Yee, Emmet White, and Frederick Shaw for confirmation to the Statewide Health Coordinating Council.

“Clinton Yee is the Corporate Controller for the Queen’s Health Systems, a position that oversees and directs the operations of the finance department. He has worked previously as a Controller for Hawai’i Pacific Health. Mr. Yee has been a member of the Statewide Health Coordinating Council since 2012, so in addition to supporting his reappointment I’d like to take this opportunity to thank him for his public service. I look forward to his continued work on the council.

“Emmet White is the President and CEO of Arcadia Retirement Residence. Over the past several decades, Mr. White has explored different methods to provide the best senior care. He established a foundation, opened two adult day care and day health programs, and developed a senior living concept that enables seniors to live at home. He has been a member of the Statewide Health Coordination Council since 2011, so based on his experience, proven leadership, and commitment to senior care, your committee strongly supports his confirmation.

“I also rise to support the reappointment of Mr. Frederick Shaw to the Statewide Health Coordinating Council. Mr. Shaw has been a member of the council since 2014, and has extensive experience in medical administration and economics. Mr. Shaw is currently a Senior Medical Economics Analyst at Kaiser Permanente. He volunteers with a number of community organizations, such as the Wai’anae Coast Community Mental Health Center, Wai’anae Coast Coalition for Human Services, and Native Hawaiian Health Care Act O’ahu Planning Committee. His professional experience and community engagement make him a valuable asset to the council, and I enthusiastically support his confirmation to the Statewide Health Coordinating Council and urge my colleagues to join me in supporting of these nominations. I applaud each of them for their continued commitment to public service. Mahalo”

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

Ayes, 21. Noes, none. Excused, 4 (Chun Oakland, English, Harimoto, Kouchi).

Stand. Com. Rep. No. 2859 (Gov. Msg. No. 598):

Senator Baker moved that Stand. Com. Rep. No. 2859 be received and placed on file, seconded by Senator Kidani and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of AUGUSTINA TAKASHY to the Language Access Advisory Council, term to expire June 30, 2018, seconded by Senator Kidani.

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

“Thank you, Mr. President. I have some remarks in strong support of Governor’s Messages 580 to 582, 598, 575 to 578, and 567 to 572. All were reviewed by the Senate Committee on Commerce, Consumer Protection, and Health, and are all well-qualified. I’d like to have those remarks entered into the Journal. Thank you.”

The Chair having so ordered, Senator Baker’s additional remarks read as follows:

“Mr. President, I rise in support of G.M. 598.

“Ms. Takashy’s background and dedication to serving her community qualify her for appointment to the Language Access Advisory Council. She is presently a Leadership Education Specialist for the Pacific Islands Leadership Program and a Professional Chuukese Interpreter at Language Services Hawai’i, LLC. Ms. Takashy works closely with some of Hawai’i’s most disenfranchised, limited English proficient communities. Her work instills in her a deep appreciation of the Office of Language Access’s mission and goals. Her past experience as a member of the Language Access Advisory Council’s Permitted Interaction Group in planning the 2015 Annual Conference on Language Access demonstrates her dedication to language access throughout our state. I urge my colleagues to join me in voting to confirm Ms. Takashy to the Language Access Advisory Council. Mahalo”

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

Ayes, 21. Noes, none. Excused, 4 (Chun Oakland, English, Harimoto, Kouchi).

Stand. Com. Rep. No. 2860 (Gov. Msg. Nos. 516, 517, and 518):

Senator Wakai moved that Stand. Com. Rep. No. 2860 be received and placed on file, seconded by Senator Slom and carried.

Senator Wakai then moved that the Senate advise and consent to the nominations to the Board of Directors of the High Technology Development Corporation of the following:

ELIJAH YIP, term to expire June 30, 2019 (Gov. Msg. No. 516);

KELLY KING, term to expire June 30, 2018 (Gov. Msg. No. 517); and

DANIEL LEUCK, term to expire June 30, 2018 (Gov. Msg. No. 518),

seconded by Senator Slom.

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

Ayes, 21. Noes, none. Excused, 4 (Chun Oakland, English, Harimoto, Kouchi).

Stand. Com. Rep. No. 2861 (Gov. Msg. Nos. 526, 527, 528, 529, 530, 531, 532, and 533):

Senator Wakai moved that Stand. Com. Rep. No. 2861 be received and placed on file, seconded by Senator Slom and carried.

Senator Wakai then moved that the Senate advise and consent to the nominations to the Environmental Council of the following:

BARBARA KAAUMOANA, term to expire June 30, 2019 (Gov. Msg. No. 526);

CHARLES PRENTISS, term to expire June 30, 2019 (Gov. Msg. No. 527);

JOSEPH SHACAT, term to expire June 30, 2019 (Gov. Msg. No. 528);

N. MAHINA TUTEUR, term to expire June 30, 2018 (Gov. Msg. No. 529);

PAULETTE KALEIKINI, term to expire June 30, 2019 (Gov. Msg. No. 530);

RON TERRY, term to expire June 30, 2019 (Gov. Msg. No. 531);

ROY ABE, term to expire June 30, 2016 (Gov. Msg. No. 532); and

ROY ABE, term to expire June 30, 2020 (Gov. Msg. No. 533),

seconded by Senator Slom.

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

Ayes, 21. Noes, none. Excused, 4 (Chun Oakland, English, Harimoto, Kouchi).

Stand. Com. Rep. No. 2865 (Gov. Msg. Nos. 575, 576, 577, and 578):

Senator Baker moved that Stand. Com. Rep. No. 2865 be received and placed on file, seconded by Senator Kidani and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the State Council on Mental Health of the following:

CHRISTOPHER ROCCHIO, term to expire June 30, 2017 (Gov. Msg. No. 575);

IRIS KANESHIRO, term to expire June 30, 2019 (Gov. Msg. No. 576);

SCOTT SHIMABUKURO, term to expire June 30, 2016 (Gov. Msg. No. 577); and

SCOTT SHIMABUKURO, term to expire June 30, 2020 (Gov. Msg. No. 578),

seconded by Senator Kidani.

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

“Thank you, Mr. President. I have some remarks in strong support of Governor’s Messages 580 to 582, 598, 575 to 578, and 567 to 572. All were reviewed by the Senate Committee on Commerce, Consumer Protection, and Health, and are all well-qualified. I’d like to have those remarks entered into the Journal. Thank you.”

The Chair having so ordered, Senator Baker’s additional remarks read as follows:

“Mr. President, I rise in strong support of G.M. 575, G.M. 576, G.M. 577, and G.M. 578.

“Over the past few weeks I’ve had the opportunity to speak with the candidates for the State Council on Mental Health. After full consideration of the background, experience and

academic qualifications of the nominees, I am proud to support Christopher Rocchio and Iris Kaneshiro for appointment, and Scott Shimabukuro for reappointment to the State Council on Mental Health.

“Christopher Rocchio is presently a Recovery and Resiliency Manager at United Healthcare Community Plan, and has previously worked with the Department of Health and the University of Hawai‘i. He is a licensed Clinical Social Worker and certified Substance Abuse Counselor, with experience in community-based case management and mental health services. Your Committee on Commerce, Consumer Protection, and Health recommends that he be appointed to the State Council on Mental Health and thanks Mr. Rocchio for his dedication to public service.

“Iris Kaneshiro works as a Peer Support Specialist at United Healthcare Community Plan and has previously interned at the Department of Health. Iris is also a business owner in our community. She is a committed consumer rights advocate, and her business experience gives her a unique perspective on the challenges facing the developmentally disabled. For these reasons your committee can confidently recommend Iris for confirmation to the State Council on Mental Health.

“The final appointee I rise to support this morning is Dr. Scott Shimabukuro, whose knowledge, advocacy and professional expertise qualify him to serve on the State Council on Mental Health. Dr. Shimabukuro has worked in the Department of Health Child and Adolescent Mental Health Division for nearly 10 years. His extensive clinical practice and contributions to the advancement of evidence-based treatment will be great assets to the State Council on Mental Health.

“Our State is fortunate to have such dedicated volunteers committed to public service. I urge my colleagues to and consent to their nominations for the State Council on Mental Health. Mahalo”

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

Ayes, 21. Noes, none. Excused, 4 (Chun Oakland, English, Harimoto, Kouchi).

Stand. Com. Rep. No. 2866 (Gov. Msg. Nos. 567, 568, 569, 570, 571, and 572):

Senator Baker moved that Stand. Com. Rep. No. 2866 be received and placed on file, seconded by Senator Kidani and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the State Council on Developmental Disabilities of the following:

EDNA KAAHAAINA, term to expire June 30, 2019 (Gov. Msg. No. 567);

JOSHUA GOETZ, term to expire June 30, 2016 (Gov. Msg. No. 568);

JOSHUA GOETZ, term to expire June 30, 2020 (Gov. Msg. No. 569);

MICHELLE PESTEL-MAGA, term to expire June 30, 2018 (Gov. Msg. No. 570);

ROBIN COVERLISSA, term to expire June 30, 2016 (Gov. Msg. No. 571); and

ROBIN COVERLISSA, term to expire June 30, 2020 (Gov. Msg. No. 572),

seconded by Senator Kidani.

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

“Thank you, Mr. President. I have some remarks in strong support of Governor’s Messages 580 to 582, 598, 575 to 578, and 567 to 572. All were reviewed by the Senate Committee on Commerce, Consumer Protection, and Health, and are all well-qualified. I’d like to have those remarks entered into the Journal. Thank you.”

The Chair having so ordered, Senator Baker’s additional remarks read as follows:

“Mr. President, I rise in support of GMs 567 to 572.

“First, Governor’s Message 567, nominating Ms. Edna Kaahaaina. Her experience, background and willingness to serve the public qualify her for appointment to the State Council on Developmental Disabilities. She is presently an Office Manager at Assistive Technology Resource Centers of Hawai‘i and has previous work experience as an Executive Administrative Assistant at Double Tree by Hilton Alana Waikiki and Human Resources Specialist for the Hawai‘i Government Employees Association. Ms. Kaahaaina is passionate about serving the developmental disabilities community, having participated as a member of the State Council on Developmental Disabilities’ Health and Early Childhood Committee. I ask my colleagues to join me to confirm Ms. Kaahaaina to the State Council on Developmental Disabilities.

“G.M. 568 and 569 appoints and reappoints Mr. Joshua Goetz to the DD Council. Joshua’s background, dedication to serving the public and experience qualify him for appointment to this important council. He is presently employed at the Arc of Kona and serves as Chair for the Hawai‘i Self-Advocacy Advisory Council in Kona. Mr. Goetz is very active in the State Council on Developmental Disabilities’ West Hawai‘i Developmental Disabilities Committee, advocating on issues such as employment opportunities and accessible transportation on Hawai‘i island for individuals with developmental disabilities. I urge my colleagues to advise and consent to Mr. Goetz’s nomination to the State Council on Developmental Disabilities.

“The next Governor’s Message 570 is Ms. Michelle Pestel-Maga whose background, dedication to serving the public, and experience as an advocate for children with special needs qualify her for appointment to the State Council on Developmental Disabilities. She is presently a Bookkeeper and Administrative Assistant at Hi-Pac Ltd., President of Lifetime of Smiles Hawai‘i, Secretary at Family Voices Hawai‘i, and Family Advisor at Early Intervention State Systemic Improvement Plan. Ms. Pestel-Maga’s past experience, including her advocacy on behalf of her daughter and many other children who require health insurance coverage of orthodontic treatment for orofacial anomalies achieved through Act 213, Session Laws of Hawai‘i 2015, is praiseworthy and admirable. Please join me to confirm Ms. Pestel-Maga to the State Council on Developmental Disabilities.

“The final nominee to the State Council on Developmental disabilities is Ms. Robin Coverlissa. Her background, leadership and willingness to serve the community all qualifying attributes her for appointment to the State Council on Developmental Disabilities. She is currently an Adult Day Health participant volunteer with Easter Seals Hawai‘i-Ewa, and an active member of the Hawai‘i Self-Advocacy Advisory Council, O‘ahu Chapter. Ms. Coverlissa’s positive attitude and passion for serving individuals with developmental disabilities will enhance the effectiveness of the State Council on Developmental Disabilities. On behalf of your committee, I am pleased to recommend Ms. Coverlissa for confirmation to the State Council on Developmental Disabilities.

“Colleagues, please join me in voting to confirm these well-qualified nominees. Mahalo.”

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

Ayes, 21. Noes, none. Excused, 4 (Chun Oakland, English, Harimoto, Kouchi).

**FINAL READING**

S.B. No. 805:

On motion by Senator Green, seconded by Senator Slom and carried, S.B. No. 805, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Chun Oakland, English, Harimoto, Kouchi).

**RE-REFERRAL OF HOUSE BILLS**

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

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| H.B. No.:                | Re-referred to:   |
| H.B. No. 212,<br>H.D. 2  | Committee on Transportation and Energy, then to the Committee on Ways and Means   |
| H.B. No. 1750,<br>H.D. 1 | Jointly to the Committee on Water, Land, and Agriculture and the Committee on Government Operations, then to the Committee on Ways and Means                  |
| H.B. No. 1851,<br>H.D. 1 | Committee on Commerce, Consumer Protection, and Health, then to the Committee on Ways and Means   |
| H.B. No. 1907,<br>H.D. 2 | Committee on Public Safety, Intergovernmental, and Military Affairs, then jointly to the Committee on Judiciary and Labor and the Committee on Ways and Means |
| H.B. No. 1943,<br>H.D. 1 | Jointly to the Committee on Human Services and the Committee on Commerce, Consumer Protection, and Health, then to the Committee on Ways and Means            |
| H.B. No. 2008,<br>H.D. 2 | Jointly to the Committee on Judiciary and Labor and the Committee on Government Operations, then to the Committee on Ways and Means                           |
| H.B. No. 2204,<br>H.D. 1 | Committee on Education, then jointly to the Committee on Judiciary and Labor and the Committee on Ways and Means  |
| H.B. No. 2226,<br>H.D. 2 | Committee on Commerce, Consumer Protection, and Health, then jointly to the Committee on Judiciary and Labor and the Committee on Ways and Means              |
| H.B. No. 2233,<br>H.D. 2 | Committee on Commerce, Consumer Protection, and Health, then to the Committee on Ways and Means   |
| H.B. No. 2264,<br>H.D. 1 | Committee on Economic Development, Environment, and Technology, then jointly to the Committee on Judiciary and Labor and the Committee on Ways and Means      |
| H.B. No. 2561,<br>H.D. 1 | Committee on Judiciary and Labor  |

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H.B. No. 2649, Committee on Commerce, Consumer  
H.D. 2 Protection, and Health, then to the  
Committee on Ways and Means

H.B. No. 2671, Committee on Public Safety,  
H.D. 2 Intergovernmental, and Military Affairs, then  
jointly to the Committee on Judiciary and  
Labor and the Committee on Ways and  
Means

H.B. No. 2714, Committee on Economic Development,  
H.D. 1 Environment, and Technology, then jointly  
to the Committee on Judiciary and Labor and  
the Committee on Ways and Means

At this time, Senator Thielen rose to remind the members that Outdoor Heritage Caucus Day would be taking place the following day, with outdoor recreation organizations in the Capitol Rotunda from 9:00 a.m. to 11:00 a.m. and a press conference at 11:00 a.m., and invited the members to participate.

#### ADJOURNMENT

At 11:56 a.m., on motion by Senator Green, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Tuesday, March 15, 2016.