

TWENTY-NINTH DAY

Tuesday, March 15, 2016

The Senate of the Twenty-Eighth Legislature of the State of Hawai'i, Regular Session of 2016, 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 Chun Oakland and Harimoto who were excused.

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

At this time, Senator Espero welcomed a group of sixth-grade students from Holomua Elementary School, who were seated in the gallery with their teacher, Mrs. Kagawa, and their chaperone, Miss Laverne.

Senator Thielen recognized and congratulated Hawaii Bicycling League on its fortieth anniversary, and presented the following remarks:

"Thank you, Mr. President. I'm happy today, on behalf of the Outdoor Heritage Caucus, to be recognizing three groups. I want to first explain a little bit about the Outdoor Heritage Caucus, and I'll be recognizing the first group and passing the microphone over to some fellow senators for the others.

"For those of you fellow members, you may know that there are sportsmen's caucuses in many of the legislatures around the United States, but, as in many cases, Hawai'i is unique. And when the representative and I discussed setting up a sports caucus here in Hawai'i, we decided to focus on not just outdoors and athletics but also our heritage. There is much that we use our outdoors for in Hawai'i that is not similar in the mainland – for instance, in cultural practices, historic practices, and then far more sustenance practices as well.

"But we're also very grateful today to recognize three groups that do a lot of work for many, many years in Hawai'i to help people access the outdoor environment, to stay safe in that environment, and to help advocate for good policy decisions made by local and state governments to support people being outdoors and athletic.

"So, the first group that I'd like to recognize is the Hawaii Bicycling League and to congratulate them on their fortieth anniversary. The Hawaii Bicycling League's mission is to encourage people to ride bicycles for health, recreation, and transportation. They help educate bikers to make sure that they are complying with the rules of the road so that they can be safe, and they are also excellent advocates for bike lanes and overall bike safety in the community. And we're seeing much of their 40 years' work come to fruition with the Safe Streets programs and other changes that we're adopting across our beautiful State of Hawai'i.

"With us today, representing the Hawaii Bicycling League on the floor, are Chad Taniguchi and Daniel Alexander. They are joined, in the gallery, by Malia Harunaga, Dana Oxiles, and Carleen Chea.

"And I also should note a particular soft spot for Chad. I was invited to their annual fundraiser this year and got a little carried away and bid on a unicycle, which I came home with, only to find out that Chad has one as well, and neither of us can ride them. So, we're in a competition now to see who can learn to ride the unicycle first. And with that, I'd like to pass the microphone over to my fellow senator from the North Shore."

Senator Riviere recognized and congratulated AccesSurf on its tenth anniversary, and presented the following remarks:

"Thank you, Mr. President. I'm very pleased to have this privilege to introduce this group to the members and the gallery today. AccesSurf was founded about 10 years ago by Mark Marble in 2006, and as a person who enjoys the water myself – I've spent my whole life surfing and swimming and being in the ocean, diving – I can truly say that providing access to the ocean to people who have never had that opportunity or who are disabled is really a great, great gift. And as we know, in the State of Hawai'i the gift that we give to the world is surfing, one of the many gifts that we give with aloha.

"So, bringing people into the ocean gives them some vitality. I've been in the water; I've been surfing at Hale'iwa, Ali'i Beach, and I've seen the activities going on, and I can tell you and I can assure you that the smiles and the joy that it brings to the people who are participating in this is really something that they will always remember. A couple of the quotes that people have said is, 'I was only able to feel free and normal for the first time in a year.' That's somebody who could not easily move about but was out there enjoying the waves. Somebody else said, 'Surfing has made me confident to try new things.'

"So, whether it's surfing or whether it's the day at the beach or whether it's the Wounded Warrior day at the beach, where it's a swimming opportunity, these guys are doing great work. So, it's really a privilege to have them here in the Senate with us today, and what I'd like to do is, I'd like to announce on the floor, from AccesSurf we have Cara Short, Eddie Murai, and Candy Luscomb. Could you please rise and be recognized by the members? Thank you. And in the gallery today – we have many, apparently – but we have Jonah Kogen, Melanie Chun, Ryan Chahanovich, Emily Yoakam, Simone Schmid, and Brian Yoakam. Could you guys all please rise, and anyone else here with AccesSurf? Thank you. Mr. President, I'd like to yield the floor to the senator from the Big Island, please, for additional introductions."

The Chair remarked:

"Before we recognize Senator Inouye, on a personal note, we want to welcome you back, Senator Riviere; we're glad to see you back with us."

Senator Inouye recognized and congratulated Peoples Advocacy for Trails Hawaii (PATH) on its thirtieth anniversary, and presented the following remarks:

"Thank you, Mr. President. Members, colleagues, it is my pleasure to introduce Tina Clothier, accepting the certificate on behalf of Peoples Advocacy for Trails Hawaii, or more popularly known on Hawai'i island as PATH. Tina, will you stand to be recognized? Thank you.

"PATH is a Hawai'i County community-based nonprofit bicycle and pedestrian advocacy organization, founded in 1986 during my years on the county council. Today, they are here celebrating their thirtieth anniversary. PATH's mission is to safely connect people and places on Hawai'i island with pathways and bikeways in response to an emerging need for places to walk, bike, and hike safely and legally in Hawai'i County.

"I would like to share an example of PATH's work in Waimea, in my district. When the one-mile Ala 'Ōhi'a connector road was being planned and built in the back of the Parker Ranch Center, this organization was instrumental in advocating for the inclusion of a walking path alongside the road. The path runs parallel to the road, separated by a grassy barrier. It provides safety for walkers, joggers, and youngsters on their bicycles. This strip of road is so popular that individuals and families actually drive there to exercise, walk

their dogs, and teach their keiki how to ride their bikes along the pathway. Mahalo for your work in our county, Tina and the PATH group, and it is my honor to recognize PATH on the occasion of their thirtieth anniversary. Thank you.”

Senator Kim introduced members of the United Public Workers who were visiting the State Capitol to discuss important issues with legislators.

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

The Senate reconvened at 11:54 a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 650 to 662) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 650, letter dated March 10, 2016, correcting the term for the nomination of Michael Moore to the State Rehabilitation Council, under Gov. Msg. No. 613, term to expire amended to June 30, 2019, was placed on file.

Gov. Msg. No. 651, submitting for consideration and confirmation to the Hawai‘i Sister State Committee, the nomination of EDUARDO TOPENIO, JR., term to expire June 30, 2019, was referred to the Committee on Tourism and International Affairs.

Gov. Msg. No. 652, submitting for consideration and confirmation to the Advisory Board On Veterans’ Services, the nomination of ANN GREENLEE, term to expire June 30, 2020, was referred to the Committee on Public Safety, Intergovernmental, and Military Affairs.

Gov. Msg. No. 653, submitting for consideration and confirmation to the Advisory Board On Veterans’ Services, the nomination of CHELSEA FERNANDEZ, term to expire June 30, 2020, was referred to the Committee on Public Safety, Intergovernmental, and Military Affairs.

Gov. Msg. No. 654, submitting for consideration and confirmation to the Advisory Board On Veterans’ Services, the nomination of WILLIAM PARK, term to expire June 30, 2020, was referred to the Committee on Public Safety, Intergovernmental, and Military Affairs.

Gov. Msg. No. 655, submitting for consideration and confirmation to the Language Access Advisory Council, the nomination of BRANDON HILL, term to expire June 30, 2020, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 656, submitting for consideration and confirmation to the Language Access Advisory Council, the nomination of LINDA NULAND-AMES, term to expire June 30, 2017, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 657, submitting for consideration and confirmation to the Language Access Advisory Council, the nomination of SUZANNE ZENG, term to expire June 30, 2019, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 658, submitting for consideration and confirmation to the Hawai‘i Workforce Development Council, the nomination of BARRY TANIGUCHI, term to expire June 30, 2016, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 659, submitting for consideration and confirmation to the Hawai‘i Workforce Development Council, the nomination of BARRY TANIGUCHI, term to expire

June 30, 2020, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 660, submitting for consideration and confirmation to the Hawai‘i Workforce Development Council, the nomination of CARL HINSON, term to expire June 30, 2017, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 661, submitting for consideration and confirmation to the Hawai‘i Workforce Development Council, the nomination of KAREN ELIZABETH WHITEHEAD, term to expire June 30, 2019, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 662, submitting for consideration and confirmation as Director, Office of Planning, the nomination of LEO ASUNCION, JR., term to expire at noon on December 3, 2018, was referred to the Committee on Water, Land, and Agriculture.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 2867 (Gov. Msg. Nos. 583, 584, and 585):

Senator Taniguchi moved that Stand. Com. Rep. No. 2867 be received and placed on file, seconded by Senator Gabbard and carried.

Senator Taniguchi then moved that the Senate advise and consent to the nominations to the Hawai‘i Historic Places Review Board of the following:

ALTON OKINAKA, term to expire June 30, 2019 (Gov. Msg. No. 583);

PATRICIA GRIFFIN, term to expire June 30, 2018 (Gov. Msg. No. 584); and

PAUL MORGAN, term to expire June 30, 2018 (Gov. Msg. No. 585),

seconded by Senator Gabbard.

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

Ayes, 23. Noes, none. Excused, 2 (Chun Oakland, Harimoto).

RE-REFERRAL OF HOUSE BILLS

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

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

H.B. No. 52, Jointly to the Committee on Public Safety, H.D. 1, S.D. 1 Intergovernmental, and Military Affairs and the Committee on Higher Education and the Arts, then jointly to the Committee on Judiciary and Labor and the Committee on Ways and Means

H.B. No. 1609, Jointly to the Committee on Higher H.D. 1 Education and the Arts and the Committee on Government Operations, then to the Committee on Ways and Means

H.B. No. 1756, Committee on Commerce, Consumer H.D. 3 Protection, and Health, then jointly to the Committee on Ways and Means and the Committee on Judiciary and Labor

H.B. No. 1909, Committee on Judiciary and Labor, then to H.D. 1 the Committee on Ways and Means

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- H.B. No. 2015, Jointly to the Committee on Judiciary and
H.D. 1 Labor and the Committee on Government
Operations, then to the Committee on Ways
and Means
- H.B. No. 2051, Committee on Government Operations, then
H.D. 1 to the Committee on Ways and Means
- H.B. No. 2076, Committee on Transportation and Energy,
H.D. 2 then jointly to the Committee on Commerce,
Consumer Protection, and Health and the
Committee on Ways and Means
- H.B. No. 2092, Committee on Transportation and Energy,
H.D. 1 then jointly to the Committee on Judiciary
and Labor and the Committee on Ways and
Means
- H.B. No. 2166, Committee on Housing, then to the
H.D. 1 Committee on Ways and Means
- H.B. No. 2237, Committee on Commerce, Consumer
H.D. 2 Protection, and Health, then to the
Committee on Ways and Means
- H.B. No. 2460, Committee on Public Safety,
H.D. 1 Intergovernmental, and Military Affairs, then
jointly to the Committee on Judiciary and
Labor and the Committee on Ways and
Means
- H.B. No. 2502, Jointly to the Committee on Water, Land,
H.D. 2 and Agriculture and the Committee on
Commerce, Consumer Protection, and
Health, then to the Committee on Judiciary
and Labor
- H.B. No. 2524, Committee on Education, then jointly to the
H.D. 1 Committee on Ways and Means and the
Committee on Judiciary and Labor
- H.B. No. 2550, Committee on Economic Development,
H.D. 1 Environment, and Technology, then to the
Committee on Ways and Means
- H.B. No. 2559, Committee on Commerce, Consumer
H.D. 1 Protection, and Health, then jointly to the
Committee on Ways and Means and the
Committee on Judiciary and Labor
- H.B. No. 2772, Committee on Higher Education and the
H.D. 1 Arts, then jointly to the Committee on
Judiciary and Labor and the Committee on
Ways and Means

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., Wednesday, March 16, 2016.