

THIRTY-SECOND DAY

Friday, March 18, 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 Vice President in the Chair.

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

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

At this time, Senator Nishihara introduced Melissa Pavlicek, president of Hawai'i Public Policy Advocates, LLC; as well as the following visitors from YMCA, who were seated in the gallery: Jen Townsend, executive director, Leeward YMCA; Michael Broderick, president and chief executive officer, YMCA; from the Metropolitan Association Office – Mike Doss, chief operating officer; Mike Chinaka, chief executive officer; Kerri Van Duyne, vice president; Lisa Ontai, vice president; Lorraine Leslie, director of philanthropy; and Stephanie Shim, manager; Ron Okimoto, executive director, Camp Erdman; Amanda Chu, executive director, Atherton branch; Keola Taniguchi, executive director, Mililani branch; and Kyle Ishizaka, executive director, Kalihi branch.

Senator Taniguchi welcomed a group of 40 eighth-grade students from the American Government class at Saint Francis School, who were present in the gallery with their teachers, Eric Devlin and Brad Bonilla, and chaperones Mr. and Mrs. Kumalai and Mr. Beuchner.

The Chair extended an additional welcome to the students.

Senator English recognized Jonathan Starr, member of the Commission on Water Resource Management, who was seated in the gallery.

Senator Kahele welcomed the Kealakehe High School varsity boys volleyball team, who was present in the gallery with head coach Kahinu Lee; assistant coaches Carrie Lee, Patrick Snizely, and Tracy Snizely; and chaperones Chris Keeling, Bernadette Keeling, Tika Van Osdol, and Paul Trevino. Senator Kahele noted that the team would be playing in the Hawai'i Boys Volleyball Invitational that evening at 6:00 p.m. against Hawai'i Baptist Academy.

The Chair extended an additional welcome to the team.

Senator Chun Oakland introduced members of the Aloha Council, Boy Scouts of America, who were seated in the gallery, and announced that they would be presenting a legislative report that afternoon at 12:45 p.m. in Conference Room 414. Among the guests were Jeff Sulzbach, scout executive, Boy Scouts of America; Dr. John Henry Felix, distinguished Eagle Scout and former council member; Kimi Sakuda Takazawa, director of development, Boy Scouts of America; Cubmaster Lisa Peddle Smith; Webelos Scout Kainoa Hepfner; and packs and troops from the Aloha Council.

The Chair extended an additional welcome to the Scouts, noting that he had once been a Webelos Scout and Boy Scout.

Senator Kidani honored and recognized the Teachers of the Year, and presented the following remarks:

“Thank you, Mr. President. Mr. President, the Education Week spotlight shines today on teachers, and before I proceed with the introduction of our Teachers of the Year, I'd like to recognize our superintendent of the Department of Education, Kathryn Matayoshi: Thank you for being here.

“When we recognized school leadership yesterday, I remarked that good schools are a reflection of good leadership. But that's only part of the story. Victories are won and successes are achieved in the classroom, where teachers pursue their passion for mentoring their students with selfless efforts in the face of daunting challenges.

“The seven public school teachers we recognize this morning were nominated by their peers, and you just know that they represent hundreds more that could be here with us today. Let's hear it for the Teachers of the Year, beginning with an introduction of the public school Teacher of the Year by Senator Tokuda.”

Senator Tokuda recognized Stephanie Mew, 2016 Hawai'i State Teacher of the Year, and presented the following remarks:

“Thank you, Chair Kidani. Good morning, colleagues. I have the pleasure of introducing our 2016 Hawai'i State Teacher of the Year, Stephanie Mew. Stephanie, if you could please rise to be congratulated by our Senators and the gallery? Stephanie is a third-grade teacher at Kapunahala Elementary School and has been teaching there for 13 years. Prior to her work at Kapunahala, Stephanie taught advanced math and science courses for prospective teachers at Chaminade University. She is also the former head teacher at Montessori Hale O Keiki School on the island of Maui. She holds both a master's degree in elementary education from Chaminade University and a master's in social work from the University of Hawai'i.

“Stephanie's passion for teaching stems from an innate desire to see students become upstanding, well-educated citizens able to lead both happy and fulfilling lives. Her lesson plan focuses not only on educating her students on the facts and figures but to ingrain in them a positive character and a hunger to learn. We are truly fortunate to have dedicated educators like Stephanie, whose hard work and enthusiasm for teaching inspires our keiki to reach their fullest potential.

“On a personal note, I've also been able to visit Kapunahala and see Ms. Mew in action and been very impressed by her classroom setup and how it complements, encourages, and promotes learning, and my brother Reid and my niece Kyla also asked me to say hello to you as well. I'm sure that during the time that you had Kyla in your class last year that you taught both of them a thing or two; they had nothing but very positive things to say about Stephanie.

“So, colleagues, members in the gallery, if you could once again join me in congratulating our 2016 Hawai'i State Teacher of the Year, Stephanie Mew? At this time, I would now like to yield the floor to Senator Ihara.”

Senator Ihara recognized Alicia Chang, 2016 Honolulu District Teacher of the Year, and presented the following remarks:

“Colleagues, I have the honor of introducing the 2016 Honolulu District Teacher of the Year, Alicia Chang. Alicia has been an elementary school teacher for 15 years, the last 9 as a third-grade teacher at King Liholiho Elementary School, where she is known as ‘the Child Whisperer’ because of her ability to inspire students to achieve their highest potential.

“When one of her former students reached tenth grade, this student had revealed that ‘Mrs. Chang was the reason she stopped being a troublemaker and began to enjoy school.’ She called Mrs. Chang her ‘light in the dark.’ Making this kind of a difference for students is what makes Alicia Chang an exceptional teacher.

“In addition, Alicia introduced innovative programs at Liholiho to support student growth, including the University of Hawai‘i Stomp program to foster creativity, Honolulu Museum of Arts’ Art to Go program to build self-esteem and confidence, Chaminade University’s ‘I Am a Scientist’ program to familiarize students with science labs and techniques, and the FIRST LEGO program for creative problem solving. Let’s again congratulate Honolulu District’s Teacher of the Year, Alicia Chang.

“Colleagues, in the gallery are guests of Alicia: husband Ryan Chang, parents Antonio and JoAnne Bacani, Liholiho School Principal Christina Small, student services coordinator Sachi Matsushita, administrator David Pila, and student representative Takeo Swallow. Welcome, all of you from Liholiho. Mr. President, I yield the floor back to Senator Kidani.”

Senator Kidani, on behalf of Senate President Kouchi, recognized David Paul Braun, Jr., 2016 Kaua‘i District Teacher of the Year, and presented the following remarks:

“Thank you, Senator Ihara. On behalf of Senate President Kouchi, I would like to present the 2016 Kaua‘i District Teacher of the Year, David Paul Braun, Jr. A professional musician and composer, David is the musical director at Waimea Canyon Middle School. Empowering students to realize their dreams and to reach their highest potential, David transforms music education through nurturing and evoking each student’s unique creativity and voice. Continually seeking to ignite and fan his students’ enjoyment and excitement for all aspects of music appreciation and guided by his belief that teaching is about cultivating a passion for learning, David helped his students create their own recording studio in the classroom, equipped with professional microphones, monitors, recording software, and an audio interface to run student recordings on their class computers.

“Mr. President, a personal observation: With all of the attention that STEM teachers and programs receive, I’m so pleased that this artist and his program in the arts is getting this well-deserved recognition. Please join me in congratulating the 2016 Kaua‘i District Teacher of the Year, David Paul Braun, Jr. Mr. President, colleagues, I believe his wife, Kelly, is in the audience. Thank you, and I now yield the floor to Senator Baker.”

Senator Baker recognized Joy Aulani Takatsuka, 2016 Maui District Teacher of the Year, and presented the following remarks:

“Thank you, Mr. President. Colleagues, it’s my very great pleasure to introduce Joy Aulani Takatsuka of King Kamehameha III Elementary School in Lāhainā, who was named the Strive HI Maui District Teacher of the Year. Let’s give her a round of applause!

“Joy is truly a remarkable person. She exemplifies best practice in teaching and in education in action. Her enthusiasm for her students and the teaching profession is evident in all she does, from keeping her young kindergarten students engaged and excited to ensuring that they are developing the skills necessary to perform with confidence in their next grade. Joy instills confidence and a love for learning in all of her students. For her, school-based education is not just about academic readiness; her students learn how to handle bullying, navigate friendships, and are well-prepared for the academic challenges they will face upon leaving her classroom. Teachers like Joy, who live to teach young people, are a vital part of our communities, and we’re so fortunate to have teachers like Joy in our schools and in our communities. Her students and colleagues see her as a role model of a lifelong learner and advocate for education.

“On a personal note, I’ve known Joy since she was a brand-new kindergarten teacher starting out at Kamehameha III, so I was doubly excited for Joy to receive this well-deserved recognition because I’ve seen her in action and can attest to her enthusiasm as she lives out her calling in the teaching profession. So, colleagues, once again would you help me congratulate and give well-deserving recognition to Joy on this honor that she’s received? Thank you, Mr. President. I believe I return back to Senator Kahele. Thank you.”

Senator Kahele recognized Darryl Yagi, 2016 Hawai‘i District Teacher of the Year, and presented the following remarks:

“Thank you, Mr. President. Colleagues, I am honored today to introduce the 2016 Hawai‘i District Teacher of the Year, Darryl Yagi. Mr. Yagi, please rise. Mr. Yagi’s determination to pursue a teaching career was driven by the desire to make a difference in the lives of struggling students. Inspired by his fourth- and fifth-grade teachers, he continues to guide his students to recognize, develop, and realize their potential. He constantly challenges his students at E.B. de Silva Elementary School to push their limits, empowering them to pursue their goals.

“Mr. Yagi excels in the classroom as well as in the community and views himself as an agent for positive change. Coach Yagi uses basketball and golf as platforms providing a foundation to shape students into well-rounded individuals through hard work, desire, competitiveness, and teamwork. He also helps to nurture the minds of our next generation of teachers, volunteering as a mentor to future teachers from University of Hawai‘i at Hilo and Chaminade University. Please join me, colleagues, to honor and welcome again Mr. Yagi, expressing our warmest aloha and best wishes for your continued success.

“Mr. President, also joining us and Mr. Yagi in the gallery today is his wife, Adele Yagi, who is a senior loan officer at Hawaii Federal Credit Union, located in Hilo; and his sister-in-law, Diane Nakashima, who was born and raised on Hawai‘i island and currently works at University of Hawai‘i at Mānoa. Please join me as well in welcoming them to the chamber today. And, Mr. President, with your permission, I yield my time to my colleague from Central O‘ahu.”

Senator Kidani recognized Lynn Yoshioka, 2016 Central District Teacher of the Year, and presented the following remarks:

“Thank you, Mr. President. It is my privilege to introduce the Central District Teacher of the Year, Lynn Yoshioka. Lynn, please stand. Lynn is a DOE veteran, and I’m pleased to note that she has served her entire tenure in schools in Mililani – 9 years at Mililani Uka and 16-plus years at Mililani Middle School, where she teaches sixth graders. Note that these are sixth graders who are making the transition from elementary to middle school, which can be a challenge for teachers and students alike.

“Lynn is thoroughly engaged and knowledgeable in the sciences that she teaches. Outside of the classroom, she is an advisor to the school’s highly successful robotics team. She is also the media club advisor, helping student news producers prepare and present *Blazer News* programs that are seen in classrooms every week. Congratulations, Lynn, and mahalo for everything you do to encourage your students to strive for the highest.

“Mr. President, in the gallery, I would like to introduce Lynn’s family: her mom, Joycelyn Murakami; husband Garren Yoshioka; daughter Caytlin Yoshioka; son Tyler Yoshioka; and daughter’s friend, Shane Nguyen.

“Thank you, Mr. President, and our final honoree is from the Leeward District, and I turn the floor over to Senator Nishihara.”

Senator Nishihara recognized Kathy Lin, 2016 Leeward District Teacher of the Year, and presented the following remarks:

“Thank you. I’m honored to introduce the 2016 Leeward District Teacher of the Year, Kathy Lin. Fourteen years ago, Kathy Lin left the private industry to focus on educating Hawai‘i’s youth as a science teacher at Highlands Intermediate School. She brings her practical knowledge in biological and medical sciences as well as her expertise as a researcher to the classroom, which she directly contributes to the learning experience of her students.

“Her love for science dates back to her days as a student, when she was a two-time science fair winner and an international science fair winner as well. Kathy believes that the fun extracurricular activities outside the classroom greatly contribute to a student’s interest and desire to continue learning. To that end, she promotes participation in such organized events in her role as the coach of the Highlands Intermediate School science club. Under the guidance of Kathy Lin, the science club participated in numerous local and international science fairs and events, including the FIRST LEGO League, Robofest, and the Hawai‘i State Science & Engineering Fair as well. Her enthusiasm and passion for science is reflected in the consistently exceptional performance of the science club, which won many championships or placed in high ranks, including first place finishes in the Hawaii State Science Olympiad Division B for middle schools over the past two years.

“So, Pearl City is certainly blessed to have Kathy Lin, and so are we, as a teacher and as a member of our community. Congratulations, Kathy Lin.”

Senator Kidani rose and stated:

“Thank you, Mr. President. Thank you, Senator Nishihara and colleagues. May I ask all of our Teachers of the Year to stand one more time for a round of applause and our best wishes and our biggest mahalo for all that you do for our students? Much mahalo; please rise. Thank you.”

The Chair then remarked:

“Thank you. Teaching is certainly a very important and honorable profession, and I hope that our youth in the gallery are inspired to one day be teachers and to help shape the minds and future of our keiki.”

Senator Tokuda introduced Principal Debbie Nekomoto of Kapunahala Elementary School and other supporters of Stephanie Mew, who were present in the gallery.

At 12:00 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:07 p.m.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 2893) recommending that H.B. No. 939 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 939, entitled: “A BILL FOR AN ACT RELATING TO AMENDING IDENTITY OF REGISTRANT’S PARENT ON A BIRTH CERTIFICATE,” passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Baker and Keith-Agaran, for the majority of the Committee on Commerce, Consumer Protection, and Health and the majority of the Committee on Judiciary and Labor, presented a joint report (Stand. Com. Rep. No. 2894) recommending that H.B. No. 1072, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Slom and carried, the joint report of the majority of the Committees was adopted and H.B. No. 1072, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PRESCRIPTIVE AUTHORITY FOR CERTAIN PSYCHOLOGISTS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 2895) recommending that H.B. No. 2227, H.D. 2 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2227, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 2896) recommending that H.B. No. 2311, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2311, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO REPORTING DEATHS TO STATE AGENCIES,” passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 2897) recommending that S.R. No. 23, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2897 and S.R. No. 23, S.D. 1, entitled: “SENATE RESOLUTION URGING THE DEPARTMENT OF HEALTH TO ENDORSE THE “SCREEN AT 23” CAMPAIGN THAT SCREENS ADULT ASIAN AMERICANS FOR TYPE 2 DIABETES AT A BODY MASS INDEX OF 23,” was deferred until Monday, March 21, 2016.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 2898) recommending that S.C.R. No. 49, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2898 and S.C.R. No. 49, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH TO ENDORSE THE “SCREEN AT 23” CAMPAIGN THAT SCREENS ADULT ASIAN AMERICANS FOR TYPE 2 DIABETES AT A BODY MASS INDEX OF 23,” was deferred until Monday, March 21, 2016.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 2899) recommending that the Senate advise and consent to the nomination of ROMALA RADCLIFFE as Administrator, Hawai‘i State Health Planning and Development Agency, in accordance with Gov. Msg. No. 636.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2899 and Gov. Msg. No. 636 was deferred until Monday, March 21, 2016.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 2900) recommending that H.B. No. 2226, H.D. 2 pass Second Reading and be referred to the Committee on Judiciary and Labor and the Committee on Ways and Means.

On motion by Senator Green, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2226, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF LANGUAGE ACCESS," passed Second Reading and was referred to the Committee on Judiciary and Labor and the Committee on Ways and Means.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 2892 (Gov. Msg. No. 635):

Senator Baker moved that Stand. Com. Rep. No. 2892 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 RODNEY ONO to the Pest Control Board, term to expire June 30, 2020, seconded by Senator Kidani.

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

Ayes, 23. Noes, none. Excused, 2 (Harimoto, Kouchi).

At this time, Senator Kahele noted that it was a special day in Hawai'i sports history, remarking on the history of University of Hawai'i men's basketball, which was established about 104 years ago in 1912 or 1913. The team played McKinley High School in their first game and won with a score of 14 to 13. Senator Kahele shared that the team had gone to the National Collegiate Athletic Association (NCAA) tournament five times: Led by the Fabulous Five in 1971-1972, they went to the tournament for the first time; they played Weber State, and lost. In 1993-1994, they went to the NCAA tournament for the second time and played Syracuse, and lost. In 2000-2001, they went to the NCAA tournament for the third time; they also played Syracuse, and lost. In the following year during the 2001-2002 season, they went to the NCAA tournament for the fourth time and played Xavier, and lost. Senator Kahele was then pleased to announce that the 2015-2016 UH men's basketball team, about an hour and a half earlier, defeated the number four seed Golden Bears of the University of California, Berkeley, with a score of 77 to 66, and would be advancing to the round of 32 to play the winner of the Maryland-South Dakota game on Sunday, March 27.

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

"Apparently, my colleague from the Big Island has a lot of time to watch basketball games, and so I'd like to maybe suggest that he become the vice chair of the Higher Education committee. Thank you."

Senator Tokuda announced that the Committee on Ways and Means would be continuing its joint informational briefing with the House Committee on Finance for grant-in-aid applications that afternoon at 1:30 p.m.

Senator Kidani announced that Education Week activities would continue the following week, with presentations recognizing teachers, students, and librarians, as well as informational displays by the Hawaii Public Charter School Network in Conference Room 225 from 8:00 a.m. to 10:00 a.m.

ADJOURNMENT

At 12:14 p.m., on motion by Senator Green, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Monday, March 21, 2016.