

THIRTY-SEVENTH DAY

Monday, March 28, 2016

The Senate of the Twenty-Eighth Legislature of the State of Hawai'i, Regular Session of 2016, convened at 11:40 a.m. with the President in the Chair.

The Roll was called showing all Senators present with the exception of Senator English who was excused.

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

At this time, Senator Kidani welcomed a group of fifth-grade students from Anne-Marie Javouhey junior high school in Papeete, Tahiti, who were seated in the gallery with their chaperones. Senator Kidani noted that the students had been planning and fundraising for the trip for two years, and would also be visiting Honolulu Hale on their two-week trip.

Senator Wakai honored the recipients of the Hawaii Venture Capital Association Awards, and presented the following remarks:

"Thank you, Mr. President. Today, we acknowledge Hawai'i's Avengers of technology: They lead the valiant fight toward a new economic reality for all of us to benefit from. Since its inception in 1998, the Avengers – also known as the Hawaii Venture Capital Association – has fostered entrepreneurial development through education, an array of illustrious speakers, and introductions to key members of the business community. Each year, HVCA awards individuals who shine a little brighter than the rest.

"Meli James is the president of the Hawaii Venture Capital Association. Meli was born and raised right here in Honolulu. She graduated from Cornell University. Then Meli lived in Silicon Valley for more than 10 years, where she cofounded numerous startups before taking over the HVCA to bring it to its new heights that it enjoys today. We thank you for your dedication to growing technology here in Hawai'i; thank you, Meli.

"I would now like to introduce the first of our four winners for the HVCA Awards; that person is Traven Watase. Traven is the Student Entrepreneur of the Year. As a student at Leeward Community College, Traven Watase was passionate about creating a channel that gave students directions to receive funding for their further education as well as helping those diamond-in-the-rough students who needed a little chance. It was that very same year that Traven founded Scholar's App to improve the inefficiencies in the way the college scholarships are processed.

"Scholar's App has proven to be very successful, with more than \$1 million worth of scholarships being given out and two schools that students can apply to for free while using a simple application. In the near future, Scholar's App is planning to have several other universities on board, along with another \$1 million worth of scholarships. Congratulations to Traven Watase. Mr. President, with your permission, I'd like to yield my time to my fellow colleague, Senator Galuteria."

Senator Galuteria rose to present the following remarks:

"Mahalo, Mr. President, and mahalo to Senator Wakai. Colleagues, we welcome our Clean Tech/Ag Entrepreneur of the Year: Vincent Kimura. Mahalo. Vincent Kimura was born in Hawai'i. He earned his degree in environmental science at Oregon State University and an MBA from Thunderbird School of Global Management. He has received numerous awards for his career accomplishments and has worked in Asia for over

15 years in cities such as Beijing, Bangkok, Hong Kong, Singapore, Shanghai, Tokyo.

"He returned to Hawai'i to work in clean tech/ag tech space. His area of competencies are strategic and sustainability consulting, business development, project management, marketing and branding. He's worked in the following sectors, which include green industry, nonprofit, academia, telecom, IT consulting, state and federal government – that's a big business card, sir. He is the winner of the Global Agricultural Innovation Challenge on soil microbes and a finalist in PBN's Innovation Company of the Year. And he cofounded Smart Yields to build upon his expertise. Smart Yields provides critical crop production and protection to growers with real-time monitoring across a multitude of inputs that lowers the risks and increases the productivity. He is currently holding directorships and leadership positions on a number of boards and professional civic and nonprofit organizations, and we welcome you here today. Colleagues, Clean Tech/Ag Entrepreneur of the Year, Mr. Vincent Kimura. Thank you. And Mr. President, with your permission, I yield my time to my fellow colleague, Senator Sam Slom."

Senator Slom rose to present the following remarks:

"Thank you, Mr. President, Senator Galuteria, and colleagues. It's wonderful to see such young people who are so engaged and who have accomplished so much so early. As a provider of education in a fairly new field of study called 'computational thinking,' Computational Thinkers students as young as three years of age are learning to solve all kinds of problems using the same tools and techniques as computer scientists. All students learn to write code eventually, but that's the easy part; learning how and when to use the code and which code – that's the hard part. This is what separates the basic programmer from the computational thinker.

"After 15 years of entrepreneurial software development, Samantha Kimsey, our Social Impact Entrepreneur of the Year, founder and CEO of Computational Thinkers, started volunteering her time in 2013 to participate in a self-directed proof-of-concept study to determine if children ages preschool and up can comprehend and retain the core concepts of computational thinking. The study showed that the teaching methodologies, indeed, were effective, and they can.

"After two years of continued growth in student enrollment, Computational Thinkers made their classrooms accessible to a larger audience. Samantha Kimsey, will you please rise and be recognized? In December of 2015, Computational Thinkers opened their first location on Wai'ala Avenue in Kāhala. And since opening the office, they have been able to host free 'Hour of Code' events, free Django Girls one-day workshops, as well as helping more preschoolers, homeschoolers, weekend and evening class-takers, adults, seniors, and they provide new tech space for the community. Their student body is now just over 130 students and growing. Samantha Kimsey. Mr. President, I now yield the floor as we continue our awards, and let me yield to Senator Brian Taniguchi. Thank you, Mr. President."

Senator Taniguchi rose to present the following remarks:

"Thank you, Mr. President and Senator Slom. It's my pleasure this morning to talk about Elliot Parks, who is the Life Science Entrepreneur of the Year with Hawaii Biotech, Incorporated. Since joining Hawaii Biotech eight years ago, Elliot Parks has led the company into the clinic with West Nile virus and dengue virus vaccines. He's reorganized the company and has reintegrated the drug development activities to build a company with a unique combination of medical

countermeasures to some of the immediate and emerging threats to both the general population and our war fighters.

“In recent months, he and Hawaii Biotech’s employees have met the challenge of relocating the company’s vibrant R&D facilities from its longstanding location in ‘Aiea while maintaining the important work funded by the grants and contracts awarded to the company. Recently, Hawaii Biotech also took on the challenge to develop a safe and effective vaccine to protect against the Zika virus. And that’s where he is: He’s on the mainland working on that, so he wasn’t able to join us today, and so accepting on his behalf will be Meli James, the president of HVCA. Thank you. And maybe a special hand for Mr. Parks; thank you. Mr. President, with your permission, I yield my time back to Senator Wakai.”

Senator Wakai rose to present the following remarks:

“Thank you, Mr. President. Thank you, Senator Taniguchi. We are in a room full of innovators; I’d like to introduce a few more who are illustrious HVCA Award winners in our gallery. Garrett Marrero is the Entrepreneur of the Year; following Garrett is Tad Glauthier, Deal of the Year; Richard Wacker, Investor of the Year; Tina Fitch, People’s Choice Startup of the Year; and Sean Hookano-Briel, Tech Entrepreneur of the Year. How about a nice round of applause for all of our honorees?”

At 11:52 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:00 p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 733 to 746) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 733, submitting for consideration and confirmation to the Enhanced 911 Board, the nomination of JEFFREY RIEWER, term to expire June 30, 2018, was referred to the Committee on Government Operations.

Gov. Msg. No. 734, submitting for consideration and confirmation to the Enhanced 911 Board, the nomination of JOHN JAKUBCZAK, term to expire June 30, 2020, was referred to the Committee on Government Operations.

Gov. Msg. No. 735, submitting for consideration and confirmation to the Procurement Policy Board, the nomination of ELIZABETH WEBB, term to expire June 30, 2018, was referred to the Committee on Government Operations.

Gov. Msg. No. 736, submitting for consideration and confirmation to the Procurement Policy Board, the nomination of HOWARD GARVAL, term to expire June 30, 2017, was referred to the Committee on Government Operations.

Gov. Msg. No. 737, submitting for consideration and confirmation to the Procurement Policy Board, the nomination of KATHY SUZUKI-KITAGAWA, term to expire June 30, 2017, was referred to the Committee on Government Operations.

Gov. Msg. No. 738, submitting for consideration and confirmation to the Small Business Regulatory Review Board, the nomination of NANCY ATMOSPORA-WALCH, term to expire June 30, 2020, was referred to the Committee on Economic Development, Environment, and Technology.

Gov. Msg. No. 739, submitting for consideration and confirmation to the State Board of Public Accountancy, the nomination of GREGG TAKETA, term to expire June 30, 2020, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 740, submitting for consideration and confirmation to the State Boxing Commission of Hawaii, the nomination of SNOOKY FUJIKAWA, term to expire June 30, 2020, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 741, submitting for consideration and confirmation to the Hawai‘i Workforce Development Council, the nomination of SUNSHINE TOPPING, term to expire June 30, 2020, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 742, submitting for consideration and confirmation to the Labor and Industrial Relations Appeals Board, the nomination of MARIE LADERTA, term to expire June 30, 2026, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 743, submitting for consideration and confirmation to the Island Burial Council, Island of O‘ahu, the nomination of NORMAN CACERES, term to expire June 30, 2016, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 744, submitting for consideration and confirmation to the Island Burial Council, Island of O‘ahu, the nomination of NORMAN CACERES, term to expire June 30, 2020, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 745, submitting for consideration and confirmation to the Kahana Valley Living Park Planning Council, the nomination of KAHIAU WALLACE, term to expire June 30, 2020, was referred to the Committee on Water, Land, and Agriculture.

Gov. Msg. No. 746, submitting for consideration and confirmation to the Kahana Valley Living Park Planning Council, the nomination of BENJAMIN SHAFER, term to expire June 30, 2019, was referred to the Committee on Water, Land, and Agriculture.

DEPARTMENTAL COMMUNICATION

The following communication (Dept. Com. No. 300) was read by the Clerk and was placed on file:

Dept. Com. No. 300, from the Department of Business, Economic Development, and Tourism dated January 7, 2016, informing the Legislature that the Hawai‘i Sister-State Committee voted unanimously to approve the proposed relationship between the State of Hawai‘i and the State of Goa, India, initiated by Chapter 229-3, HRS.

HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 365) was read by the Clerk and was placed on file:

Hse. Com. No. 365, informing the Senate that on March 24, 2016, the House disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 2362, H.D. 2 (S.D. 1); and
H.B. No. 2448, H.D. 1 (S.D. 1).

STANDING COMMITTEE REPORTS

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 3142) recommending that H.B. No. 2295, 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 Green, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2295, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE AEROSPACE ADVISORY

COMMITTEE," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 30, 2016.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3143) recommending that S.C.R. No. 50, as amended in S.D. 1, 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 S.C.R. No. 50, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENSURE THAT SPECIAL EDUCATION TEACHERS HAVE ADEQUATE TIME TO PLAN AND PREPARE INDIVIDUALIZED EDUCATION PROGRAMS FOR THEIR STUDENTS," was referred to the Committee on Ways and Means.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3144) recommending that S.R. No. 24, as amended in S.D. 1, 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 S.R. No. 24, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENSURE THAT SPECIAL EDUCATION TEACHERS HAVE ADEQUATE TIME TO PLAN AND PREPARE INDIVIDUALIZED EDUCATION PROGRAMS FOR THEIR STUDENTS," was referred to the Committee on Ways and Means.

ORDER OF THE DAY

AGREE/DISAGREE

MATTER DEFERRED FROM WEDNESDAY, MARCH 23, 2016

S.B. No. 2312, S.D. 1 (H.D. 1):

By unanimous consent, action on S.B. No. 2312, S.D. 1 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," was deferred until Tuesday, March 29, 2016.

THIRD READING

H.B. No. 2403, H.D. 1, S.D. 1:

On motion by Senator Baker, seconded by Senator Inouye and carried, H.B. No. 2403, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICAL ADVISORY BOARD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Nishihara, Shimabukuro).

H.B. No. 1585, H.D. 2, S.D. 1:

On motion by Senator Keith-Agaran, seconded by Senator Gabbard and carried, H.B. No. 1585, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GUARDIANSHIP," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Nishihara, Shimabukuro).

H.B. No. 1651, H.D. 2, S.D. 1:

On motion by Senator Keith-Agaran, seconded by Senator Gabbard and carried, H.B. No. 1651, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CLASS C

FELONIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Nishihara, Shimabukuro).

H.B. No. 1668, S.D. 1:

On motion by Senator Keith-Agaran, seconded by Senator Gabbard and carried, H.B. No. 1668, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF A DOG IN JUDICIAL PROCEEDINGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Nishihara, Shimabukuro).

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. 1176, Jointly to the Committee on Commerce, H.D. 2 Consumer Protection, and Health and the Committee on Judiciary and Labor

H.B. No. 2638, Committee on Ways and Means H.D. 1

At this time, Senator Dela Cruz rose to wish Senator Kahele a happy birthday.

ADJOURNMENT

At 12:03 p.m., on motion by Senator Green, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Tuesday, March 29, 2016.