

FIFTY-NINTH DAY

Tuesday, May 3, 2016

The Senate of the Twenty-Eighth Legislature of the State of Hawai'i, Regular Session of 2016, convened at 10:08 a.m. with the President in the Chair.

The Roll was called showing all Senators present.

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

At this time, Senator Shimabukuro welcomed a group of constituents from the west side of O'ahu who were seated in the gallery, including Diane Texidor, DeMont Conner, Rachel Kailianu, Ina Manaole, Kaulana Keawe, Marc Paaluhii, Inez Larson, Kaukaohu Wahilani, and others.

Senator Ihara introduced Ekaterine (Eka) Popkhadze, a participant in the U.S. Department of State Professional Fellows Program, which gives leaders from other nations firsthand experience in the U.S. system of governance. Senator Ihara shared that in her home country of Georgia, which is located between Russia and Armenia and became an independent nation in the 1991 collapse of the Soviet Union, Eka works for the Ombudsman of Georgia in an official office of the National Parliament that oversees human rights and fundamental freedoms; as parliamentary secretary, she helps draft legislative proposals for the parliament. Senator Ihara remarked that Eka wants to develop democratic processes in Georgia and strengthen its national human rights oversight capacity. Senator Ihara further noted that Eka was serving as an intern in his office for the week before spending the rest of the month in the Office of the Governor.

Senator Baker recognized her session interns who were seated in the gallery: Lia McCollum, a student in the master of science in nursing program at the University of Hawai'i at Mānoa, and Christina Yan, political science intern from the University of Hawai'i at Mānoa under Dr. Larry Nitz. Senator Baker remarked that both young women had been invaluable participants on Team Baker, and wished them luck with their studies.

Senator Kidani remarked that it was National Charter School Week from May 1 to 7, which raises awareness of public education charter school options. Senator Kidani noted that there are 34 charter schools in Hawai'i's public education system that enroll 10,500 students in programs that are focused, innovative, independent, and highly flexible. Senator Kidani further noted that while they may follow a path different from so-called 'regular' schools, charter schools are nevertheless held to federal and state education achievement standards: In the 2014-2015 school year, the most recent reporting period, Voyager Public Charter School was named among Hawai'i's outstanding Strive HI schools; Kihei Charter School, University Lab School, and Myron B. Thompson Academy placed as the top 1, 2, and 3 schools, respectively, for the highest eleventh-grade ACT scores; and University Lab School had a perfect graduation rate of 100 percent for the 2014-2015 school year. Senator Kidani then introduced members of the Hawaii Public Charter Schools Network and several charter school leaders, who were present in the gallery: Daniel Caluya, Nā Wai Ola Public Charter School; Buffy Cushman-Patz, The School for Examining Essential Questions of Sustainability (SEEQS); Leigh Fitzgerald, Hawaii Technology Academy; Dave Gibson, Ho'okāko'o; Kaleimakamae Ka'auwai, Kawaikini New Century Public Charter School; Susan Osborne, Kua O Ka Lā Public Charter School; Jerelyn Watanabe, Myron B. Thompson Academy; Kamaka Gunderson, Ke Ana La'ahana Public Charter School; Kaponu Ciotti, Wai'ālae Elementary Public

Charter School; Ed Noh, Lanikai Elementary Public Charter School; and Jeannine Souki and Malia Gray, Hawaii Public Charter Schools Network.

Senator Kahele recognized members of his staff who were present in the gallery, remarking that they were committed, willing, competent, and diligent, and were instrumental in getting him through the session. The staff members included: Grace Magruder, 2017 William S. Richardson School of Law student and former U.S. Department of the Interior and U.S. Department of State intern, who spent two years in two African nations during her Peace Corps service from 2011 to 2013 and was awarded a prestigious Peace Corps Coverdell Fellowship to study law at the University of Hawai'i at Mānoa campus; Merina Sterling, intern from the University of Hawai'i at Mānoa majoring in political science with a minor in Russian; Kapua Arsiga, intern from the University of Hawai'i at Hilo majoring in political science; and Evan Oue, session staff for the past two sessions who had recently been accepted to the William S. Richardson School of Law. Senator Kahele also recognized his permanent staff, Linda Menda and Roth Puahala, and thanked them all for their hard work.

At 10:16 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:23 a.m.

At this time, Senator Slom requested a waiver of Senate Rule 74, which requires a member to rise from their seat when addressing all remarks to the President, and the Chair granted the waiver.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 1133 to 1146) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 1133, informing the Senate that on April 29, 2016, the Governor signed into law Senate Bill No. 2921, H.D. 1 as Act 33, entitled: "RELATING TO CONFORMITY TO THE INTERNAL REVENUE CODE," was placed on file.

Gov. Msg. No. 1134, informing the Senate that on April 29, 2016, the Governor signed into law Senate Bill No. 2916, S.D. 1, H.D. 1 as Act 34, entitled: "RELATING TO PUBLIC SAFETY," was placed on file.

Gov. Msg. No. 1135, informing the Senate that on April 29, 2016, the Governor signed into law Senate Bill No. 2914, S.D. 1, H.D. 1 as Act 35, entitled: "RELATING TO COURT ORDERS TO PROVIDE MEDICAL TREATMENT IN CORRECTIONAL FACILITIES," was placed on file.

Gov. Msg. No. 1136, informing the Senate that on April 29, 2016, the Governor signed into law Senate Bill No. 2912, S.D. 2, H.D. 1 as Act 36, entitled: "RELATING TO THE STATEWIDE INTEGRATED SEX OFFENDER TREATMENT PROGRAM," was placed on file.

Gov. Msg. No. 1137, informing the Senate that on April 29, 2016, the Governor signed into law Senate Bill No. 2906, H.D. 2 as Act 37, entitled: "RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997," was placed on file.

Gov. Msg. No. 1138, informing the Senate that on April 29, 2016, the Governor signed into law Senate Bill No. 2675, S.D. 1, H.D. 2 as Act 38, entitled: "RELATING TO LICENSING," was placed on file.

Gov. Msg. No. 1139, informing the Senate that on April 29, 2016, the Governor signed into law Senate Bill No. 2660, H.D. 2 as Act 39, entitled: "RELATING TO BUREAU OF CONVEYANCES," was placed on file.

Gov. Msg. No. 1140, informing the Senate that on April 29, 2016, the Governor signed into law Senate Bill No. 2607, S.D. 2, H.D. 2 as Act 40, entitled: "RELATING TO STUDENT DATA MANAGEMENT," was placed on file.

Gov. Msg. No. 1141, informing the Senate that on April 29, 2016, the Governor signed into law Senate Bill No. 2565 as Act 41, entitled: "RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY," was placed on file.

Gov. Msg. No. 1142, informing the Senate that on April 29, 2016, the Governor signed into law Senate Bill No. 2553, H.D. 1 as Act 42, entitled: "RELATING TO NON-GENERAL FUNDS," was placed on file.

Gov. Msg. No. 1143, informing the Senate that on April 29, 2016, the Governor signed into law Senate Bill No. 2552, S.D. 1, H.D. 1 as Act 43, entitled: "RELATING TO NON-GENERAL FUNDS," was placed on file.

Gov. Msg. No. 1144, informing the Senate that on April 29, 2016, the Governor signed into law Senate Bill No. 2383, S.D. 2, H.D. 2 as Act 44, entitled: "RELATING TO THE HAWAII HEALTH CONNECTOR," was placed on file.

Gov. Msg. No. 1145, informing the Senate that on April 29, 2016, the Governor signed into law Senate Bill No. 2163, S.D. 2, H.D. 2 as Act 45, entitled: "RELATING TO SERVICE OF PROCESS," was placed on file.

Gov. Msg. No. 1146, dated April 29, 2016, transmitting the Governor's statement of objections to Senate Bill No. 2181, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ACCESS TO TREATMENT FOR TERMINALLY ILL PATIENTS," which was returned to the Senate without approval and reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU
April 29, 2016

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2181

Honorable Members
Twenty-Eighth Legislature
State of Hawai'i

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2181, entitled "A Bill for an Act Relating to Access to Treatment for Terminally Ill Patients."

The purpose of this bill is to enable terminally ill patients in Hawai'i to obtain from manufacturers investigational drugs and biological products that have not yet been approved by the United States Food and Drug Administration (FDA) for general use. This bill also shields practitioners who recommend investigational drugs to their patients from liability and the heirs of patients who receive investigational drugs from claims of responsibility for the costs of those drugs in the event of the patient's death.

This bill is objectionable because the FDA's existing "expanded access program" (also known as the "compassionate use program"), which this measure seeks to circumvent, already serves to increase access to investigational drugs for patients under the care of a physician while preserving the approval process, treatment data reporting, and other patient-centered safeguards. The regulations associated with this program were amended in 2009 and should be allowed a chance to be fully implemented and further publicized. While admirably seeking

to increase access to potentially life-saving drugs, this measure unreasonably compromises the consumer protections provided by the FDA's expanded access program. The federal system of regulations that govern the sale and distribution of new and investigational drugs is also instrumental in the development of beneficial drug products. Interference with that system will likely have the unintended consequence of delaying development of those potentially life-saving drugs. Additionally, this measure unreasonably intrudes upon a system of federal law in violation of the Supremacy Clause. Since the sale and distribution of new and investigational drugs will remain federally regulated whether or not this measure becomes law, it is also unclear what actual benefits would accrue to patients in Hawai'i.

For the foregoing reasons, I am returning Senate Bill No. 2181 without my approval.

Respectfully,
/s/ David Y. Ige
David Y. Ige
Governor of Hawaii"

By unanimous consent, action on Gov. Msg. No. 1146 was deferred until Thursday, May 5, 2016.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 671 to 678) were read by the Clerk and were placed on file:

Hse. Com. No. 671, informing the Senate that on April 29, 2016, the House reconsidered its action taken on March 29, 2016, in disagreeing to the amendments proposed by the Senate to H.B. No. 2403, H.D. 1 (S.D. 1).

Hse. Com. No. 672, informing the Senate that on April 29, 2016, the House reconsidered its action taken on April 5, 2016, in disagreeing to the amendments proposed by the Senate to H.B. No. 1096, H.D. 2 (S.D. 1).

Hse. Com. No. 673, informing the Senate that on April 29, 2016, the House reconsidered its action taken on April 6, 2016, in disagreeing to the amendments proposed by the Senate to H.B. No. 1894, H.D. 1 (S.D. 1).

Hse. Com. No. 674, informing the Senate that on April 29, 2016, the House reconsidered its action taken on April 7, 2016, in disagreeing to the amendments proposed by the Senate to H.B. No. 1055, H.D. 2 (S.D. 1).

Hse. Com. No. 675, informing the Senate that on April 29, 2016, the House reconsidered its action taken on April 8, 2016, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 1733, H.D. 2 (S.D. 2);
H.B. No. 2059, H.D. 2 (S.D. 1);
H.B. No. 2198, H.D. 2 (S.D. 1); and
H.B. No. 2593, H.D. 1 (S.D. 1).

Hse. Com. No. 676, informing the Senate that on April 29, 2016, the House reconsidered its action taken on April 14, 2016, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 545, H.D. 1 (S.D. 2);
H.B. No. 799, H.D. 2 (S.D. 1);
H.B. No. 1029, H.D. 1 (S.D. 1);
H.B. No. 1170, H.D. 2 (S.D. 2);
H.B. No. 1736, H.D. 1 (S.D. 2);
H.B. No. 1982 (S.D. 1);
H.B. No. 2033, H.D. 1 (S.D. 1);
H.B. No. 2060, H.D. 1 (S.D. 2);
H.B. No. 2308, H.D. 1 (S.D. 1);

H.B. No. 2319, H.D. 1 (S.D. 1);
 H.B. No. 2326, H.D. 1 (S.D. 1);
 H.B. No. 2669, H.D. 1 (S.D. 1);
 H.B. No. 2680, H.D. 2 (S.D. 1); and
 H.B. No. 2681, H.D. 2 (S.D. 1).

Hse. Com. No. 677, informing the Senate that on April 29, 2016, the House agreed to the amendments proposed by the Senate and passed H.B. No. 2169, H.D. 2, S.D. 1 on Final Reading.

Hse. Com. No. 678, informing the Senate that on April 29, 2016, the following bills passed Final Reading in the House of Representatives:

H.B. No. 1585, H.D. 2, S.D. 1, C.D. 1;
 S.B. No. 2540, H.D. 1, C.D. 1;
 S.B. No. 2861, S.D. 2, H.D. 1, C.D. 1; and
 S.B. No. 2886, S.D. 2, H.D. 2, C.D. 1.

STANDING COMMITTEE REPORTS

Senator Tokuda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3720) recommending that the Senate advise and consent to the nomination of RAY BLOUIN to the Tax Review Commission, in accordance with Gov. Msg. No. 877.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3720 and Gov. Msg. No. 877 was deferred until Thursday, May 5, 2016.

Senator Tokuda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3721) recommending that the Senate advise and consent to the nomination of MICHELLE NALANI FUJIMORI KAINA to the Tax Review Commission, in accordance with Gov. Msg. No. 871.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3721 and Gov. Msg. No. 871 was deferred until Thursday, May 5, 2016.

Senator Tokuda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3722) recommending that the Senate advise and consent to the nomination of WILLIAM PIPER II to the Tax Review Commission, in accordance with Gov. Msg. No. 872.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3722 and Gov. Msg. No. 872 was deferred until Thursday, May 5, 2016.

Senator Tokuda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3723) recommending that the Senate advise and consent to the nomination of DAWN LIPPERT to the Tax Review Commission, in accordance with Gov. Msg. No. 873.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3723 and Gov. Msg. No. 873 was deferred until Thursday, May 5, 2016.

Senator Tokuda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3724) recommending that the Senate advise and consent to the nomination of COLLEEN TAKAMURA to the Tax Review Commission, in accordance with Gov. Msg. No. 875.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3724 and Gov. Msg. No. 875 was deferred until Thursday, May 5, 2016.

Senator Tokuda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3725) recommending that the Senate advise and consent to the nomination of

VAUGHN COOK to the Tax Review Commission, in accordance with Gov. Msg. No. 874.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3725 and Gov. Msg. No. 874 was deferred until Thursday, May 5, 2016.

Senator Tokuda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3726) recommending that the Senate advise and consent to the nomination of JOHN KNOX to the Tax Review Commission, in accordance with Gov. Msg. No. 876.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3726 and Gov. Msg. No. 876 was deferred until Thursday, May 5, 2016.

ORDER OF THE DAY

FINAL READING

Conf. Com. Rep. No. 140-16 (H.B. No. 1700, H.D. 1, S.D. 1, C.D. 1):

Senator Tokuda moved that Conf. Com. Rep. No. 140-16 be adopted and H.B. No. 1700, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Dela Cruz

Senator Tokuda rose to speak in support of the measure as follows:

“Thank you. While no doubt the longest bill we will be voting on today at 352 pages, deciding what to say often renders me speechless because there are so many aspects of the budget I could go into and highlight, which figures and percentages to tick off, what programs we funded and positions we created, but more so because, as I think about this bill, I see so many faces and recall so many moments: the long hours, the crazy ideas that actually worked, the constant digging for information, the back-and-forth negotiations, the laughter, and even the shared sadness with the hope that the next day would be better. I see our Ways and Means family – our staff and analysts, my vice chair, our committee – our counterparts in the House, Chair Luke and the Finance committee team, and I consider myself so very blessed to have worked side by side such dedicated and committed individuals.

“Still finding myself at a loss for words, I searched for inspiration to help me do right by all of these people who have put so much of themselves into this bill, and I found what I needed in a quote from, of all people, Dr. Seuss: ‘Don’t cry because it’s over. Smile because it happened.’

“Quite a bit has happened over the last few weeks, and so, with that, colleagues, let me tell you a little bit of what we did. Running parallel to our budget are a number of bills that are being passed that establish complementary and programmatic frameworks that clearly show the Legislature’s policy priorities. While we will be discussing them throughout the morning, I’ll also highlight a few of the aggregated amounts related to the budget areas that they support.

“For the supplemental operating budget, we added \$405,792,059, all methods of financing, of which \$202,317,436 accounts for general fund increases for fiscal year ’17. This represents a targeted 3.1 percent increase on last year’s biennium budget and \$159,773,111 less than what the governor requested. The conference draft also reduces \$13,761,322 in general funds for fiscal ’16 as a result of Medicaid savings that were realized in line with WAM’s guiding principle of better utilizing existing base funding and maximizing resources. Our budget reflects a targeted deployment of resources in priority areas with a focus on financial and programmatic stability and sustainability. Similar to what was done in the Senate draft, in

some cases, we only partially funded program requests to encourage efficiencies and prioritization, paid for requests out of existing base budgets, and we eliminated over \$1.5 million in general funds in old, vacant positions across all departments.

“A priority of the governor was also to pre-fund OPEB, and we did so to 80 percent, totaling \$81.9 million. If we stay the course going to 100 percent in fiscal year '18, projected savings as a result of reduced contribution amounts total over \$361 million between fiscal year '19 and fiscal year '44. Annually, we would be seeing a reduction of \$4.5 million to \$21.1 million in our annual required contributions. This puts us on a more solid financial footing going forward, knowing that if and when times get tough, paying less always helps.

“On the same theme of preparing now while we can for whatever may lie ahead, we have more than doubled the amount in the Emergency and Budget Reserve Fund, making a \$150 million deposit in House Bill 2317.

“Many of us here remember the Great Recession and the tough decisions that had to be made when we dealt with a \$1 billion deficit. While the overall economy appears positive, signs of slowing have resulted in the Council on Revenues lowering growth projections, and we need to be sure that the fiscal decisions we make today can be sustained going forward.

“With homelessness and affordable housing being at the forefront of issues going into this legislative session, and as one of the top priorities reflected in both the Senate draft of the budget and in our majority package bills, the \$12 million lump-sum appropriation for homeless programs represents a significant opportunity to change the way we approach these challenging problems. Oftentimes siloed by line items and within specific programs and departments, providing \$3 million more than what was requested by the governor represents a recognition by the Legislature that, like the people these resources serve, funds may have to be shifted as program needs change and effectiveness is determined. Not without accountability, these funds call on the governor and his team to develop a plan for the use of these funds, updating the Legislature during the interim, and the creation of metrics to ensure effectiveness. Additional staffing has also been provided in both the Homeless Programs Office and for the governor's special team to ensure that these funds, in addition to what is already in the base, can be managed and executed with fidelity, the overall goal being to get people the support and services they need that leads to permanent housing.

“Recognizing that chronic homelessness is often connected to serious mental health issues, we also provided \$500,000 in Senate Bill 2560 as part of a continuum of care for the most vulnerable in our community. We further understood the importance of increasing access to affordable housing units with \$3 million in general funds having been provided to Hawaii Public Housing Authority for state family and elderly housing facilities, and we changed the means of financing for 16 positions totaling \$1.1 million in general funds to increase and leverage federal rental assistance services housing vouchers.

“Recognizing the greatest equalizer is access to high-quality educational opportunities – especially at the earliest age – to establish a solid foundation in the formative years, we are taking a bold step and increasing Preschool Open Doors base funding to \$10 million. For parents and families already struggling to make ends meet in communities across our state, this represents a real opportunity for school readiness. I want to especially thank my Finance counterpart, Chair Luke, for her support of early learning. I think, as mothers of young boys, we both recognize what a difference these opportunities make in a young life and for our families across our state, and I always appreciate her support.

“Continuing on with the Department of Education, the conference draft of the budget includes an additional \$16.5 million in general funds for Weighted Student Formula. It also provides \$5.2 million for electricity costs, \$6.9 million for transportation services, and \$670,000 for alternative teacher route programs.

“Continuing up the spectrum, for the University of Hawai'i, we are able to provide \$3 million in general funds for athletics at the system level and \$1.25 million in general funds for equipment for the community colleges vocational programs. Four positions and \$330,000 in general funds were appropriated for CTAHR for their Cooperative Extension Service; and an additional six positions and \$357,000 in general funds were provided for UH West O'ahu as they continue to grow and develop as a campus; and 27 positions are provided for UH Hilo to establish a security and safety patrol force, a top priority and concern that was mentioned to us by student representatives when we visited them during the interim.

“Another priority area for the Senate has always been sustainability of our natural resources, and in that regard, the conference draft includes \$1.5 million in general funds for a USGS study on Hawai'i streams, looking at inflow stream standards and assessing water availability. Through complementary measures we will be taking up today, we also provide over \$1.6 million in general funds for various water infrastructure support. Your WAM committee visited a number of small boat harbors during the interim and understand the important role that they play in our communities and the challenges that they face with only a five-day operation. As such, we were able to provide 10 positions and \$344,000 in general funds to run operations six days a week. In addition, \$400,000 in general funds was also provided for wildfire contingency, \$250,000 in general funds for endangered species management, and \$250,000 in general funds were included for marine debris removal. It's also important to note and highlight that in the area of natural resource management and protection, over \$4.7 million in general funds were provided in bills for various conservation efforts and the fight against invasive species.

“In supporting agriculture, one area of note is that we continued our support for the Pesticides Branch by providing an additional half a million dollars for their outreach and enforcement efforts. Specifically to highlight in the area of agriculture is the fact that we have appropriated over \$4.8 million in general funds in various measures we will be taking up today, ranging from food safety certification compliance to including qualified feed developers in our Livestock Revitalization Program to combating the movement of invasive species between islands. Collectively with the budget, these resources and programs provide a solid foundation to support agriculture as an industry moving forward.

“Prioritizing the health and safety of our communities and people, 20 positions and \$1.2 million in general funds are included in the conference draft for the management of dengue fever and newly emerging public health threats. \$3 million has also been included in the budget for Kupuna Care. \$1.7 million for ADRC was intentionally put in House Bill 1878 so it could be made clear that funding should result in the timely delivery of service to kupuna and caregiver, with EOA playing a vital role in oversight and accountability. The bill also included \$32,000 for a fall prevention coordinator.

“While your committee will continue to work closely with the Hawaii State Hospital during the interim to true-up their budget and identify cost containment strategies, dealing with their deficit to ensure that they would not deprive other important mental health programs of funding in order to cover their costs was something both money committees agreed

needed to be done. To that end, \$6 million in general funds has been provided to the Hawaii State Hospital to cover shortfalls in funding.

“For the Hawaii Health Systems Corporation, in addition to the \$21 million requested by the governor and HHSC, \$10 million was provided in the manner proposed in the Senate draft, allowing the HHSC board to utilize these funds to cover any additional funds required for Maui Memorial’s seed capital requirement as well as to provide operating subsidies to the other regions as they see fit.

“Focused also on growing jobs and our economy, \$1 million in general funds is included in the budget for HI Growth, and \$100,000 in matching general funds has been provided for the Creative Lab program. Strengthening our infrastructure and position in the Pacific, \$100,000 was appropriated for the Hawaii Broadband Initiative, and \$150,000 in general funds will help to leverage federal funds for the unmanned aerial system test site for the Office of Aerospace Development. Measures moving in concert with our budget will be providing an additional \$4 million in grants focused on supporting our high-tech and manufacturing industries, creating jobs and supporting local businesses.

“When we began our session, our goal was to provide for our families, nurture our Earth, sustain our communities, and govern well. In the case of our budget, by providing a balanced financial plan that embraces our priorities and can be sustained going forward, I do believe that we are able to do just that, and now, as Dr. Seuss said, I can smile because it happened. Thank you.”

Senator Dela Cruz rose to speak in support of the measure as follows:

“Thank you, Mr. President. I’d also like to acknowledge and thank the WAM and FIN chairs, the committee members, and staff. The conference committee committed to improving the quality of life for our residents, diversifying our economy, and creating jobs. Highlighting these core values, we remained steadfast in seeing through on these commitments. The conference committee worked diligently to put in place a CIP budget that balances the needs and priorities of this state by investing almost \$62 million for the development of new affordable housing units and another \$35 million for repairs and maintenance to our public housing units; adding an additional \$50 million to address capacity, equity, and program support for the Department of Education, bringing the total amount for the biennium to almost \$296 million; funding the construction of the Hawaii State Hospital, totaling \$160.5 million; securing \$31 million to purchase over 900 acres of farmable ag land, \$26 million to repairs to ag irrigation systems statewide, which also includes \$3 million for the rehabilitation of streams in East Maui and \$1.5 million for assistance to East Maui farmers.

“In addition, the CIP budget addresses our aging infrastructure by providing funding for system upgrades to our airports, harbors, and highways. This also includes \$15 million for the financial system upgrades for the Department of Accounting and General Services. For airports, harbors, and highways statewide, the committee included over \$2 billion to make sure that we kept up with needed maintenance and repairs. The committee also included nearly \$95 million for prisons statewide, which includes the continuing of a new prison on Maui. Some of the other major infrastructure improvements funded include wastewater infrastructure in Waikane, Papakōlea, and the dredging of Ala Wai Canal.

“The conference committee also provided funding for repair and maintenance at the University of Hawai‘i campuses, including \$25 million for community colleges and over \$48 million for statewide projects. In addition, \$55 million for a

new life sciences building at Mānoa and another \$35 million for a creative media facility at UH West O‘ahu.

“In economic development, projects funded include the sandbox, infrastructure at Kalaeloa, and the expansion of NELHA.

“Again, I want to thank the Senate and House leadership, the conference committee chairs, the conference committee members, and staff for all their efforts and hard work in crafting a capital improvement budget that is committed to improving Hawai‘i and Hawai‘i’s future. Thank you.”

Senator Slom spoke in support of the measure with reservations as follows:

“Thank you. I haven’t supported a state budget in a number of years, but I support this budget because I know how hard the WAM committee and the House Finance committee worked. And through the early deliberations, I know the difficulties in making choices between projects, and it’s never easy. But I think what we have here today is a fiscally responsible budget that we can support and that we can enact.

“I have concerns, however, as I have for many years I’ve shared with you. If we look at the outlying years from the next two fiscal years, we see four years of deficits. If we look at the cash reserve position of the state, we see serious problems ahead. The Council on Revenues and others have cautioned us that is more likely to expect another recession or at least a dramatic slowing of our economy, so all of these considerations must be considered.

“It’s not easy when we had a homeless program thrust upon us; it’s not easy to ignore it; it’s not easy to totally fund it, because those funds that you’re taking – the funds in this budget – are coming from our other citizens and residents who too are struggling, who too may be close, in some cases, to homelessness. So, it’s a definite balancing act to see what we can do, but the money for that, which has continued to increase, as well as money for unexpected medical problems, such as dengue, Zika – these are things that the state must take care of.

“So, I think it’s imperative that we keep our priorities, that we don’t launch into any new projects or new developments. That’s why I’m still concerned about money in the budget and elsewhere for out-of-classroom expenditures for Department of Education. I think that they should be limited to in-classroom. As I’ve said before, when we talk about out-of-school and after-class programs, we already have the Boys Club, the Girls Club, Boy Scouts, Girl Scouts, athletic programs, and others; we don’t need to continue to add and subsidize these programs.

“I’m happy that we’re paying back our funds as the governor had promised; and I think it’s important that we look at promises that we’ve made in the past. It is imperative that our government keep its promises rather than make new promises. This is the question or the issue about air conditioning in the schools, which we’ve talked about and debated for more than a decade. It’s a very expensive proposition. I’m sure that there will be changes along the way: things that we will find that we can do, things that we find that we may not be able to do. But the most important thing is we keep our promise; we have to do this in other areas as well.

“So, I don’t know how inspirational the budget is; I do know that *Green Eggs and Ham* is one of my favorites, so anything that gets that nod gets my nod. And again, I appreciate the work that the various committees have done. Thank you, Mr. President.”

Senator Chun Oakland rose to speak in strong support of the measure as follows:

“Thank you. I just wanted to thank our Ways and Means chair and vice chair, all of our committee members and senators, as well as our colleagues in the House and all the support staff. I know I always have lengthy remarks, and so I would like them inserted into the Journal, but I have a lot of faith in what we’ve done this year. Thank you.”

The Chair having so ordered, Senator Chun Oakland’s remarks read as follows:

“I stand in strong support of H.B. 1700, C.D. 1. Thank you to the Ways and Means Committee Chair, Vice Chair, committee members and all senators for your diligence and thoughtfulness in putting together the State budget.

“Mahalo to the Ways and Means staff, Senate support staff, Finance Committee Chair and Vice Chair, the Finance Committee members and staff, House colleagues, House support staff, the Governor and his cabinet, the executive branch employees, the Chief Justice and the employees of the Judiciary, and many people in our community for working on H.B. 1700, C.D. 1. The budget is a tremendous team effort.

“The funding included in this bill will help our youngest residents in the areas of Medicaid services for pregnant mothers; Early Periodic Screening and Diagnostic Treatment (EPSDT) services for children in poverty; early intervention services for children 0 to 3 years of age that has developmental delays and varying disabilities; Pre-School Open Doors and Child Care Connection funding to help families provide child care options for their young children, home visiting services for families with newborn babies; child abuse and neglect prevention, early intervention, and protective services for babies to teens and their families; and A+ program funds for lower income families to assist with their program co-payments.

“The bill increases the base budget for public education by increasing the amount of the weighted student formula for every public school; transportation services for rural and neighbor island children who need options to get to and from school; healthy, nutritious and delicious meals for all our public school students; school repair, maintenance and construction to address the large back log of projects; cooling of classrooms and energy saving efforts; and non-school hour programs for our elementary, middle and high school children and youth.

“Funds in this bill will help over one-fifth of our Hawai‘i population with health insurance through Hawai‘i’s Med-QUEST program and vocational rehabilitation services to support people with varying disabilities, including the blind and visually impaired, hard of hearing and deaf, and others who want to be able to get into or back into the work force.

“There is funding for people with disabilities, who are eligible for Medicaid, to work to their fullest potential through the Ticket to Work or Medicaid Buy-In Program being funded for the first time this year and continue to benefit from the Medicaid array of services, which supports their ability to work and remain healthy, by creating the opportunity to contribute towards their Medicaid coverage even when their income exceeds the Medicaid eligibility threshold.

“H.B. 1700, C.D. 1 appropriates approximately \$25 million to assist people who are homeless or about to be homeless through emergency and transitional shelter services, rent payment assistance, rapid re-housing services, shelter plus care program services, and flexible funding to potentially create hygiene centers and mobile units that can support people with basic needs as well as employment opportunities.

“\$7.8 million will be available for Kupuna Care, full funding for the Aging and Disability Resource Centers statewide, \$10 million in flexible funding for Hawaii Health Systems Corporation that can support Maluhia and Leahi Hospitals as

well as other HHSC facilities across the State. \$2.5 million was included for Wahiawa General Hospital.

“Mental health services and funding for the Hawaii State Hospital will help address long standing community need and a significant group of people who are houseless.

“The budget contains funding to produce over a thousand new affordable rental housing units through the rental housing revolving fund and contributes towards more affordable for-sale and rental housing by providing money through the Dwelling Unit Revolving Fund to pay for much needed infrastructure improvements in areas throughout the State.

“The State budget bill also infuses a significant amount of funds to support the State’s goal of becoming food and energy self-sufficient and to restore Hawai‘i’s land base to support local farmers and produce more food for the people of Hawai‘i and beyond. H.B. 1700, C.D. 1 provides funding to purchase prime agricultural land and be in a position, as a State, to provide long-term agricultural leases to local farmers. It also funds the Farm to School coordinator position, which is critical to connecting fresh, locally produced foods with our public schools, create better opportunities for students to understand where their food comes from and how they can contribute towards the food sustainability of their island home.

“The State budget bill also funds a transit-oriented development coordinator at the state level to coordinate all of the State departments and their efforts to develop state properties around each of the transit stops on O‘ahu as well as a position in the Hawaii Housing Finance and Development Corporation (HHFDC) to coordinate affordable housing development around the various transit stops.

“H.B. 1700, C.D. 1 also provides additional funding for the Hawaii Public Housing Authority to continue their outstanding work in rehabilitating vacant units and addressing the large back log of HPHA units requiring reconstruction, renovation, repair and maintenance.

“H.B. 1700, C.D. 1 allocates funding to make needed technological upgrades to make State government more efficient and provide better service to the public.

“It contains much needed funding to improve our highways, harbors, and airports as well as dams, reservoirs, and water infrastructure statewide.

“H.B. 1700, C.D. 1 provides funding for State law enforcement and security services, emergency medical services, and emergency preparedness efforts to better assure the safety and health of its residents and visitors alike.

“The bill also provides funding for public employees with health and retirement benefits that support them and their families and express our appreciation for their service to the people of the State of Hawai‘i and for their dedication and hard work.

“H.B. 1700, C.D. 1 supports needed improvements in the area of corrections and health services to the inmate population. My hope is that there will be serious consideration of OCCC being relocated near Hālawā prison and that the current OCCC site will be developed in a manner that significantly contributes resource to a more prosperous Hawai‘i’s economy and quality of life for the residents of our State.

“H.B. 1700, C.D. 1 also provides numerous grants to program across the state who are doing such phenomenal work to make our home, Hawai‘i, the best place in the world. I wish we could have funded all the GIA requests and demonstrate how much the Legislature supports the important work that the community has taken responsibility to do for the sake of our residents and the rest of the world.

“Mahalo, again, to everyone for your unwavering support to better the lives of Hawai‘i’s people and our beloved Hawai‘i. Thank you, Mr. President.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 140-16 was adopted and H.B. No. 1700, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE STATE BUDGET,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Slom). Noes, none.

At 10:46 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:52 a.m.

FINAL READING

MATTER DEFERRED FROM FRIDAY, APRIL 29, 2016

S.B. No. 2816, S.D. 1, H.D. 2:

By unanimous consent, S.B. No. 2816, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS,” was recommitted to the Committee on Judiciary and Labor.

FINAL READING

Conf. Com. Rep. No. 52-16 (H.B. No. 32, S.D. 2, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 52-16 and H.B. No. 32, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CROSSWALK SAFETY,” were recommitted to the Committee on Conference.

At this time, the Chair made the following announcement:

“If there are no objections from the members, we will be taking Conference Committee Report No. 127-16 on Senate Bill No. 2077, Conference Draft 1 out of order.”

Conf. Com. Rep. No. 127-16 (S.B. No. 2077, S.D. 1, H.D. 2, C.D. 1):

Senator Keith-Agaran moved that Conf. Com. Rep. No. 127-16 be adopted and S.B. No. 2077, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tokuda.

Senator Keith-Agaran then offered the following amendment (Floor Amendment No. 6) to S.B. No. 2077, S.D. 1, H.D. 2, C.D. 1:

SECTION 1. S.B. No. 2077, S.D. 1, H.D. 2, C.D. 1, section 2, is amended by amending paragraphs (6) and (8) of the proposed new subsection -3(c), Hawaii Revised Statutes, on page 6, lines 18-19, and page 7, line 5, to clarify that an employee shall qualify for the special retirement benefit, if the employee:

- (1) Became a class H member prior to July 1, 2012, and has at least twenty-five years of credited service, irrespective of age, rather than thirty years of credited service and is at least fifty years of age; or
- (2) Became a class H member after June 30, 2012, has at least twenty-five, rather than thirty, years of credited service, and is at least fifty-five years of age.

SECTION 2. S.B. No. 2077, S.D. 1, H.D. 2, C.D. 1, subsection (b) of section 3 is amended as follows:

1. By amending paragraph (1) to read:

“(1) For retired employees based on the self plan with at least nine years but fewer than twelve years of service, a monthly contribution equal to one-half of the base medicare or non-medicare monthly contribution set forth under section 87A-33(b), Hawaii Revised Statutes; provided that retired employees who were hired after June 30, 1996, but before July 1, 2001, with dependent-beneficiaries, as that term is defined in section 87A-1, Hawaii Revised Statutes, shall be eligible for a monthly contribution equal to one-half of the base medicare or non-medicare monthly contribution for two-party or family plans, as applicable, set forth in section 87A-33(b), Hawaii Revised Statutes;”

2. By amending paragraph (4) to read:

“(4) Upon the death of a retired employee hired after June 30, 1996, but before July 1, 2001, for the dependent-beneficiary who becomes eligible as an employee-beneficiary, a monthly contribution equal to paragraphs (1), (2), or (3), as applicable; and upon the death of a retired employee hired after June 30, 2001, for the dependent-beneficiary who becomes eligible as an employee-beneficiary, a monthly contribution equal to one-half of paragraphs (1), (2), or (3), as applicable.”

Senator Keith-Agaran moved that Floor Amendment No. 6 be adopted, seconded by Senator Kahele.

Senator Keith-Agaran rose to speak in support of the amendment as follows:

“These amendments balance off making the qualifications for class C and class H members, as well as making amendments that are requested by the EUTF in order to handle the dependent beneficiaries issue.”

The motion to adopt Floor Amendment No. 6 was put by the Chair and carried.

Senator Keith-Agaran then moved that Conf. Com. Rep. No. 127-16 be received and placed on file, seconded by Senator Kahele and carried.

By unanimous consent, S.B. No. 2077, S.D. 1, H.D. 2, C.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SEPARATION BENEFITS,” was placed on the calendar for Final Reading on Thursday, May 5, 2016.

The Chair inquired:

“So, are we on Final Reading, non-fiscal, Madam Clerk?”

The Clerk replied:

“We have another floor amendment, Mr. President: on page 30, Conference Committee Report No. 170-16, Final Reading of House Bill 1850, Conference Draft 1, Relating to Taxation.”

Conf. Com. Rep. No. 170-16 (H.B. No. 1850, H.D. 1, S.D. 3, C.D. 1):

Senator English moved that Conf. Com. Rep. No. 170-16 be adopted and H.B. No. 1850, H.D. 1, S.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Thielen then offered the following amendment (Floor Amendment No. 7) to H.B. No. 1850, H.D. 1, S.D. 3, C.D. 1:

SECTION 1. H.B. No. 1850, H.D. 1, S.D. 3, C.D. 1, section 2, is amended by amending subsection (i) of the proposed new section 237- , Hawaii Revised Statutes, to read as follows:

“(i) All registered transient accommodations broker tax collection agents shall inquire and ensure that the transient accommodation is in compliance with all pertinent state and county land use laws, including but not limited to:

- (1) Prior to placing an advertisement, including an online advertisement, on the availability of a property for lease or rent on behalf of an operator or plan manager, notifying the operator or plan manager that the subject property is required to be in compliance with applicable state and county land use laws prior to retaining the services of the transient accommodations broker; and
- (2) Requiring the operator or plan manager to provide verification of compliance with county land use laws in the form of a written certification, verification, or permit issued by the appropriate county agency.”

SECTION 2. H.B. No. 1850, H.D. 1, S.D. 3, C.D. 1, section 3, is amended by amending subsection (i) of the proposed new section 237D- , Hawaii Revised Statutes, to read as follows:

“(i) All registered transient accommodations broker tax collection agents shall inquire and ensure that the transient accommodation is in compliance with all pertinent state and county land use laws, including but not limited to:

- (1) Prior to placing an advertisement, including an online advertisement, on the availability of a property for lease or rent on behalf of an operator or plan manager, notifying the operator or plan manager that the subject property is required to be in compliance with applicable state and county land use laws prior to retaining the services of the transient accommodations broker; and
- (2) Requiring the operator or plan manager to provide verification of compliance with county land use laws in the form of a written certification, verification, or permit issued by the appropriate county agency.”

SECTION 3. H.B. No. 1850, H.D. 1, S.D. 3, C.D. 1, is amended by deleting section 4.

SECTION 4. H.B. No. 1850, H.D. 1, S.D. 3, C.D. 1, is amended by renumbering sections 5 and 6 as sections 4 and 5, respectively.

SECTION 5. H.B. No. 1850, H.D. 1, S.D. 3, C.D. 1, section 7, is amended by renumbering it as section 6 and to read as follows:

“SECTION 6. New statutory material is underscored.”

SECTION 6. H.B. No. 1850, H.D. 1, S.D. 3, C.D. 1, section 8, is amended by renumbering it as section 7 and to read as follows:

“SECTION 7. This Act, upon its approval, shall apply to taxable years beginning after December 31, 2016; and shall be repealed on December 31, 2021, and shall not apply to taxable years beginning after December 31, 2021.”

Senator Thielen moved that Floor Amendment No. 7 be adopted, seconded by Senator Riviere.

Senator Thielen rose to speak in support of the amendment as follows:

“Thank you, Mr. President. Members, I know it’s a little unusual to offer a floor amendment on the final reading of a bill. Normally, the only choices in front of us are to vote ‘yes’ or ‘no’ on a bill, but I thought about the contents of this bill and the purpose of it and the discussion that we’ve had up until now, and I’d have to say there’s nothing ordinary about this bill. So I didn’t want to come in front of you today to say, ‘Just vote “no.”’ I wanted to give everybody a third option, and the third option is to allow us to begin to move forward with the tax collection, but also to keep Airbnb at the table, along with any

other broker who wants to be a transient tax collector, to make sure that we can accomplish this in a manner that respects our state laws, our priorities, and our customs.

“Normally, a floor amendment on final reading would mean the death of a bill, but I want to let you know that we have the identical amendment poised on the House side and people ready to introduce and second that amendment, so if the Senate does pass the floor amendment, the House can consider the same, and we could move forward with passing the amended bill on Thursday, if everyone in this room agrees.

“As you may recall, when we were on third reading of this bill, we did consider a floor amendment, and we had a long discussion about that floor amendment. And in that floor amendment – it’s identical to the one that you see in front of you – it required that Airbnb, or whoever’s going to be the Internet broker, do more than just ask their host to attest that they are in compliance with the law. It actually changed two sections in the bill to say that Airbnb would have to require their host to provide written verification that they’re in compliance with the law prior to posting. That amendment was the core of what we passed in Senate Draft 3, but that was stripped in the conference committee. We went back to the House proposal, which simply asks the hosts to attest that they’re in compliance with the law.

“I went online this weekend and signed up to be an Airbnb host, just to see what it’s like. It took me less than 10 minutes. What took the amount of time is, at first, I didn’t want to put in my phone number, but it wouldn’t let me proceed unless there was a phone number there. Next, I didn’t want to put in my email – because I was just testing this out; I didn’t really want to get anything from the system – but it wouldn’t let me proceed until I put my email in. Then I didn’t want to put a picture of the house in, because, again, I’m just testing this out; I intended to pull it back after I got on, just to see how hard it was. But it wouldn’t let me proceed unless I put a picture up. Once I did those three things, I was listed. It took me longer to figure out how to de-list my house than it took me to get listed.

“Airbnb does have fine print that tells their hosts, ‘You have to be in compliance with the law,’ but we know that that’s not been working. We know that people who go on and list ignore that.

“I have on your desks pictures and information that we passed out before: the Mākuā campgrounds; the letter from those councilmembers in New York City; the postcard Airbnb was sending out to entice more people to rent through them, even though they know that those would be illegal rentals; and the listing of campgrounds, public beaches, and state lands that my staff found, which Airbnb was removing and then allowing to repost again.

“If we pass the conference draft without the floor amendment, we’re going to be missing an opportunity to keep Airbnb at the table to discuss how we assure that they meet our standards. What do I mean by that? We’re used to an economy where we have Outrigger Hotels, other hotels, where the owners, the managers – they live here. If they’re not complying with commitments that they made to us, we pick up the phone and we call them. We see them at business meetings. That’s not the case with Airbnb. If we pass this bill, their representatives are gone. They’re a multibillion-dollar multi-national Internet corporation without a continuing physical presence in Hawai‘i; how do we keep them at the table to make sure that they meet our standards?

“So, what are other jurisdictions doing, because we’re not the only place that Airbnb is coming to to say, ‘Hey, let us collect the taxes for you, and pass a law that will allow us to do that.’ Well, other jurisdictions are saying, ‘You know something? It’s

not just about the money.' They're taking time to negotiate and implement a very comprehensive approach that provides a solution to address the impacts that this new business platform is having on their residents and on their communities and on their culture. San Francisco took a while to negotiate a very comprehensive approach with Airbnb and has been working with the company to implement that to make sure that they're meeting the city's priorities and policies and standards. We will look foolish in comparison to San Francisco if we pass this bill without laying any expectations upon the company and other companies in saying what they need to do in order to conduct business here. Los Angeles is in the middle of discussions with Airbnb, and they've been taking their time because they've been watching what's happening in other cities, and they're saying, 'Gee, you know, you're not meeting the compacts that you've reached in these other cities,' so they're proposing a rule that not only says that they're going to fine hosts for violating their laws and policies and standards; they're going to fine the Internet platform as well. We're going to look foolish compared to Los Angeles if we pass this bill that says we just want to take the tax money and turn a blind eye to the other problems that are being caused in our communities. Los Angeles; New York; Portland, Oregon; San Francisco; New Orleans; Austin, Texas; and many, many more are demanding that this company step up and meet certain standards and priorities. We need the opportunity to flesh out the standards and priorities and laws and methods that we're going to require these Internet platforms to operate by in Hawai'i to make sure that we don't lose our state beaches, our parks, our wilderness lands, and other state lands to commercialization.

"I put a new item in the package that's on your desk; it's an article in the *Star-Advertiser* about the problems caused in Kalalau by the illegal camping. Some of you may have seen it, but for those of you who missed it: 'Illegal campers, often transported to Kalalau by commercial boat or watercraft, are wreaking havoc on cultural and natural resources.' They hauled out trash over two months – 2,400 pounds – but more disturbing is the fact that these illegal campers are dismantling and destroying heiau and agricultural compounds in Kalalau because they're taking the rocks to create fire rings at the campsites. In discussions with DLNR, this is not the only area where they're having problems. When this article appeared, DLNR got calls about illegal camping and commercial operators that are taking people there to Nu'alolo Kai, Miloli'i; they've had problems with cultural destruction in Kealakekua Bay, Kīholo wilderness area, Makena. How many more areas are going to be open to this if we don't insist that Airbnb and other Internet brokers that want to operate here have to sit down and negotiate standards with us and enforceable standards? Why on earth wouldn't we follow the practice in these other jurisdictions to lay these out?

"Now, I know in many of the other jurisdictions, a lot of the standards that they've set have been around housing, and I know some of you have said to me, 'This bill is about state revenue; housing is a county issue.' Well, I want to remind you, the Senate Majority set a number of priorities at the beginning of this session. 'Mālama 'Ohana (Providing for Families): We will focus on strengthening our communities by identifying the State's affordable housing supply. We will also identify and prioritize strategies to supply sufficient levels of housing for Hawai'i's residents.' Senate Bill 2561 establishes a goal of developing or vesting the development of at least 22,500 affordable rental housing units between 2017 and 2026. In the budget, \$12 million for homeless programs, \$3 million general funds to public housing, \$1.1 million general funds for rental assistance services and housing vouchers. And the list goes on and on and on. If housing is not a state priority, then why is it in our priorities? Why is it one of the top priorities in our budget?

"Airbnb's standard practice is, 'Let us list. We'll collect your hotel taxes and then we'll leave a mess for you to clean up.' That was fine when it was two guys operating air mattresses out of their apartment in San Francisco many years ago. They are now a multibillion-dollar international corporation; it's time for them to grow up. It's time for them to come to the grown-up table and to negotiate with the other grown-ups about responsible businesses practices that they will abide by – that they will make sure that their hosts who are listing on them meet those standards, or else they won't allow them to post their hosting, just like I couldn't post my hosting if I didn't put in my phone number. Surely we should have higher standards than just a phone number, an email address, and a picture of a home. Airbnb is not going to voluntarily agree to come to the table; they are resisting in these other jurisdictions. But these other jurisdictions are making them do so.

"For those of you who say, 'Oh, it's an Internet platform; they can't put in a filter,' they already have filters. I talked to my brother, who's a computer programmer. He worked for Martin Marietta, for Microsoft, and has run his own programming company for over 25 years – not a problem to put in filters in a computer program that would block a listing until you get approval of something where it's legal. Not a problem to block illegal camping on public lands. Not an expensive thing for them to put into their business platform, and it's being asked of them by hundreds of jurisdictions around the world that are tired of being left to clean up their mess.

"Airbnb is not the only one that needs to step up; we need to step up as legislators. They are coming to us to ask us to pass a law that favors their business model. Why on earth would we agree to that and let them turn around and walk out of our state without also setting some standards for them? This amendment that's being proposed right now puts back in the core provision that we voted to support in Senate Draft 3. The beauty of this amendment is it keeps Airbnb here in Hawai'i; we can begin working on the agreement between them and DOTAX; we can begin working out the details on the standards that they're going to comply with. It allows us to move forward. It's not just stopping this dead in the water, but it's saying that if you want us to pass a law that favors your business model, then we expect you to sit down at the table with us and develop the standards by which you're going to operate here, to make sure that we protect our state laws, our state priorities, our state culture.

"I know I'm being a nuisance about this bill, and I know a lot of you just want me to just sit down, but this is so important. These priorities are so important, and they affect so many people in our state, and it affects them in their daily lives. We shouldn't rush to say we want just the tax money and let them walk; we should follow the practice in these other jurisdictions and start the negotiations. Please pass the floor amendment. I ask for your support. We can then notify the House if we do pass it, and then we can move forward with some serious discussions about solid business standards to protect our state interests. Mahalo."

Senator Dela Cruz rose and stated:

"Thank you, Mr. President. In regards to the DLNR, the BLNR is able to change rules to better enforce their permits. In regards to the jurisdictions that were mentioned – San Francisco, LA, New York – those are city and county jurisdictions, not state jurisdictions. The previous speaker, on many occasions, has advocated that we not circumvent the counties' authority or the counties' processes. I'm not sure why we're starting to begin that now. This is a taxing bill, and it's needed. Thank you."

Senator Riviere rose to speak in support of the amendment as follows:

"I agree wholeheartedly with the senator from Waimānalo. I think she makes many strong and compelling arguments that this is our opportunity to get it right. I don't think any of us are in disagreement on the need or value of collecting the taxes; that's been an ongoing issue. There was an article in the paper today – there was an op-ed piece that talked about the worth of these, and they said something like, 'The tax benefit for this year has been \$12 million and is likely to be maybe \$15 million in the future.' Well, the way that article is written is, seems to me that everybody's already sending in their money. I'm as skeptical as everyone else that they are, in fact, all sending in their money, and so I do support measures to ease the ability to collect the money, but we can't do it at any cost based on the terms of the company that's going to be in the middle here. So, these amendments plug some of the gaping holes that I believe strongly will exacerbate our problems.

"Many of you may remember that last month, I spoke about the lady who showed up at my door saying, 'I have nowhere to live. Senator, you're pretty resourceful; can you help me find a place to live?' And then we had this tragic conversation that there's at least a thousand vacation rentals in my district, and in the area where those thousand are, there are maybe 12,000 residences. So we're talking about 1 out of 12 dwellings that are now no longer available for long-term rentals. So, this is not a victimless thing, this 'Oh, it's great; it's great for the economy and just let it go. The cat is out of the bag and everybody's running, so let's just grab all the money we can.' That's just unacceptable to me.

"So, another part of this amendment that I want to support is the requirement that they continue to list either their nonconforming use permit or their license or their tax identification number in the advertisement. I don't see why that is a burden. As previously discussed, there are little checkboxes that the computer algorithms ask, and it would be very easy for them to have a place that says, 'What is your unique license number?' So, the efforts to block that have been beyond my comprehension because we are fighting against ourselves now, because on one hand, we have companies like VRBO, where the people advertising will be required to show their tax license, but then if they go to Airbnb, they'll be exempt from that, and I'm not understanding why we have disparate treatment for that. It does provide a tool for some oversight if we had somebody willing to actually go forward and follow up. So, I'm in strong support of the amendment, and I thank you folks very much for listening."

Senator Thielen rose and stated:

"Thank you, Mr. President – just a follow-up point of clarification. The senator from Wahiawā: This is not a matter of taking jurisdiction away from counties. It's actually an amendment that was supported by the City and County of Honolulu and also the County of Kaua'i – that they wanted to have the ability to make sure that these units were legal, and so it's supporting the counties' position on this. Mahalo."

Senator Kim rose to speak in support of the amendment as follows:

"Thank you, Mr. President, the C.D. 1 of this bill is certainly an improvement, but for some reason, the conference committee did not retain the language that was in Senate Draft 3, and one of that was to incorporate the compliance with Act 204, an act that we passed that requires that the TAT numbers be on all advertisements. This is very disheartening, because the Senate had a very lively floor discussion, and the floor amendments were adopted by the majority in this body. Senate Draft 3 was the Senate position, and the conferees were supposed to push

for the Senate position, but this was flawed and disingenuous, since those members on the conference committee were chairs and members who did not vote in favor of the floor amendment, and certainly we have no rule that says they have to. So, this floor amendment today just puts back what was in Senate Draft 3 in this C.D. 1.

"This is one of the keys in ensuring that only those vacation rentals that are legal will be advertising on Airbnb or any online portal. Without these requirements or these amendments, it becomes the Wild Wild West for illegal vacation rentals. In yesterday's newspaper op-ed piece, it stated, 'Platforms led by Airbnb are committed to being responsible partners.' What is so responsible about sending out thousands of postcards across the island luring people to place their long-term rental units into vacation rentals? What is so responsible about allowing listings on their site that advertise camping sites on our pristine beaches, where, in some cases, camping is not even allowed, and in other cases, they are reselling our camping permits meant for our local residents? What is so responsible about vacation rental ads that tout indoor or outdoor bathroom facilities, propane- or solar-powered appliances on privately owned agricultural lots like in Kunia Loa, where rules are being broken with vacation rentals on a regular basis with no consequences?

"This appeared in our newspaper, I believe, last Sunday. It says, 'Airbnb customers last week could go online to reserve this Kunia Loa Ridge farmlands cabin for \$69 a night, even though vacation rentals are an illegal use on the property.' Front page talks about all the illegal rentals that are spreading across our agriculture lands, our preservation lands, and on our beaches. Colleagues, something is clearly not right, here. Assuring tax compliance is just a small part of the big picture. There is a rational reason why we have land use laws. If vacation units are allowed to violate our land use zoning laws, then why couldn't other uses do the same? Should incompatible land uses be allowed anywhere, just so long as they pay the correct property tax? See how absurd this would be? Our quiet residential neighborhoods are turning commercial. Our beaches and ag lots are literally being rented to tourists for \$39 to \$69 a day. For what? So that Airbnb can collect, what, \$3 to \$6 in taxes? Is that worth it? This legislation, if not amended, will not just have a negative effect on our neighborhoods, but our beaches, our agriculture and preservation lands. Will those taxes from illegal rentals pay for this irreparable damage that it will have?

"Mr. President, many of us legislators have the opportunity to go to conferences and workshops around the country. We learn from our counterparts, and we often introduce similar legislation that may have had positive effects in that jurisdiction. Well, we should learn from these jurisdictions when there are negative effects as well. We should take heed and learn from their mistakes, and had we done that, maybe we would have avoided hiring President Dobelle or M.R.C. Greenwood.

"But it's not too late to learn; it's not too late to learn from San Francisco Chinatown. This is a flier that is posted on the post in Chinatown San Francisco, and the Sergeant-at-Arms are passing you a copy. It says here:

Dear Airbnb tourist, your vacation/short term rental has led to the eviction of Chinese immigrant families. We have survived the 1882 Chinese Exclusion Act, two world wars, the 1906 Great Quake and fires, and the 1989 earthquake. But now our lives, our schools, our grandparents' homes, and social fabric are being destroyed. Airbnb is destroying our home. Have a nice visit in Chinatown.

"You're still not convinced? Well, here's another one from New Orleans. You've all been to New Orleans; it's a great

place. It says here, on this flier posted on one of their bulletin boards:

Dear tourist, welcome to NOLA! We know you gonna have a jazzy and fonky time! It's magical here! The music bubbles up from the streets! This beautiful neighborhood on high ground and its residents survived Hurricane Katrina nearly intact! Are you staying in an illegal short term rental listed on Airbnb or VRBO? If so, then **you** are directly responsible for displacing the last remaining long-time neighborhood residents that are survivors of the largest disaster that's ever happened in America by creating a market for illegal short-term rentals in this residential area. And that, dear tourist, is a goddamn shame. Enjoy your stay in our former homes, y'all!

"The millions of dollars we have appropriated in this year's budget for Rental Housing Trust Fund, for homeless and affordable units, will be like taking one step forward and two steps backward.

"Why am I speaking out about this? There are no TVUs in my district; I don't have any beaches in my district. But this is not a district issue, members. This is not even a leadership issue. This is an issue about our home, about our community. When your grandchildren cannot find long-term rentals, or complain about our beaches being overrun with camping tourists, or your neighborhoods have neighbors with illegal vacation rentals pitted against those who do not, I hope you will take the responsibility because you did not do all that you can do to stop this from happening. The sky's not going to come falling down if Airbnb has to require their advertiser to include the TAT numbers. Airbnb's not going to fold up their tents and go home; they will just adjust their model. Why? Because they are making too much money with their Hawai'i listings, even if it's only from the legal listings.

"And so, members, think long and hard. Look into your hearts, because this is not an issue about today; it's an issue about tomorrow. It's an issue about the future, and what we're going to allow to happen in our community, in our neighborhoods. Again, this is **not** a district issue. This is **not** a leadership issue. This is an issue about our home. I hope you will vote for the amendments. Mahalo."

The Chair then called for decorum in the gallery to allow the discussion to proceed.

Senator Dela Cruz rose to speak in rebuttal as follows:

"I'd just like to point to the senator from Waimānalo that when the county did support issues such as TOD and things like that, the senator from Waimānalo still said that it's a county issue and we shouldn't circumvent them. There were many times when the counties have supported us expediting things or streamlining things and the senator from Waimānalo back then had said, 'No, it's a county issue.' So, let's just call a spade a spade, and if it's a county issue, let's leave it to the counties and help them with the enforcement. I haven't seen any resolutions urging the counties to enforce Airbnb. I didn't see a bill from the counties asking for some kind of help to further enable them. If land use is within the jurisdiction of the counties, let them try to figure this out, and if they need our assistance, then they can come to the Legislature next session and include it as part of their package. Thank you."

Senator Kim rose to speak in rebuttal as follows:

"Mr. President, if this is a county issue, then we shouldn't even have this bill. Since when is it county against state? Aren't we all one? Aren't we all Hawai'i? Shouldn't we be together? Why should it be a city versus state? We're all responsible. We're all responsible for the land use. We're all responsible for what happens in our neighborhoods. We're all one. Yes, we're a

state; we're a county, but we're supposed to be working together on the same team, Mr. President. Thank you."

Senator Chun Oakland rose to speak in support of the amendment as follows:

"Thank you. I'd like the words of the senators from Waimānalo and Kalihi inserted as if they were my own." (The Chair so ordered, by reference only.)

"Also, I believe that, as this floor amendment – and I hope it is successful – passes, it will assist our counties in the enforcement. With the information, I believe that would be very helpful, just viewing it from a county's perspective."

Senator Chun Oakland then requested a Roll Call vote, and the Chair so ordered.

The motion to adopt Floor Amendment No. 7 was then put by the Chair and failed to carry, Roll Call vote having been requested, on the following showing of Ayes and Noes:

Ayes, 10 (Chun Oakland, Espero, Green, Harimoto, Ihara, Kim, Riviere, Ruderman, Slom, Thielen). Noes, 15 (Baker, Dela Cruz, English, Gabbard, Galuteria, Inouye, Kahele, Keith-Agaran, Kidani, Kouchi, Nishihara, Shimabukuro, Taniguchi, Tokuda, Wakai).

The Chair then announced:

"Thank you. Amendment 7 fails. If there are no objections from the members, we will be taking Final Reading of House Bill No. 1850, C.D. 1 on consent."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 170-16 was adopted and H.B. No. 1850, H.D. 1, S.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 14; Ayes with Reservations (Green). Noes, 11 (Chun Oakland, Espero, Harimoto, Ihara, Inouye, Kim, Riviere, Ruderman, Shimabukuro, Slom, Thielen).

Conf. Com. Rep. No. 12-16 (S.B. No. 2788, H.D. 1, C.D. 1):

On motion by Senator Gabbard, seconded by Senator English and carried, Conf. Com. Rep. No. 12-16 was adopted and S.B. No. 2788, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOLOKAI IRRIGATION SYSTEM WATER USERS ADVISORY BOARD," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 13-16 (H.B. No. 1517, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Keith-Agaran, seconded by Senator Kim and carried, Conf. Com. Rep. No. 13-16 was adopted and H.B. No. 1517, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 14-16 (H.B. No. 1668, S.D. 1, C.D. 1):

On motion by Senator Keith-Agaran, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 14-16 was adopted and H.B. No. 1668, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF A DOG IN JUDICIAL PROCEEDINGS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 23-16 (S.B. No. 2476, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 23-16 was adopted and S.B. No. 2476, S.D. 2, H.D. 2, C.D. 1, 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, 25. Noes, none.

Conf. Com. Rep. No. 24-16 (S.B. No. 2672, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Espero and carried, Conf. Com. Rep. No. 24-16 was adopted and S.B. No. 2672, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 25-16 (H.B. No. 2389, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Galuteria and carried, Conf. Com. Rep. No. 25-16 was adopted and H.B. No. 2389, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FEDERAL REIMBURSEMENT MAXIMIZATION SPECIAL FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 27-16 (H.B. No. 900, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 27-16 was adopted and H.B. No. 900, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE FRAUD," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 28-16 (S.B. No. 2566, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Harimoto, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 28-16 was adopted and S.B. No. 2566, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 29-16 (S.B. No. 911, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator English and carried, Conf. Com. Rep. No. 29-16 was adopted and S.B. No. 911, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LATEX," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 30-16 (H.B. No. 1702, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 30-16 was adopted and H.B. No. 1702, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 33-16 (H.B. No. 1684, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Wakai, seconded by Senator Kim and carried, Conf. Com. Rep. No. 33-16 was adopted and H.B. No. 1684, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 34-16 (S.B. No. 2392, S.D. 2, H.D. 3, C.D. 1):

On motion by Senator Baker, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 34-16 was adopted and S.B. No. 2392, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OPIOID ANTAGONISTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 35-16 (H.B. No. 2233, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 35-16 was adopted and H.B. No. 2233, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE PROFESSIONALS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 36-16 (H.B. No. 1852, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator English and carried, Conf. Com. Rep. No. 36-16 was adopted and H.B. No. 1852, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER POLLUTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 37-16 (H.B. No. 1111, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 37-16 was adopted and H.B. No. 1111, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECORDS OF THE HAWAII HEALTH SYSTEMS CORPORATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 40-16 (H.B. No. 1756, H.D. 3, S.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 40-16 was adopted and H.B. No. 1756, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 42-16 (S.B. No. 2319, S.D. 1, H.D. 3, C.D. 1):

On motion by Senator Baker, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 42-16 was adopted and S.B. No. 2319, S.D. 1, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 43-16 (S.B. No. 2387, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Kidani, seconded by Senator Baker and carried, Conf. Com. Rep. No. 43-16 was adopted and S.B. No. 2387, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICAL EXAMINATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 44-16 (S.B. No. 2896, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Kim, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 44-16 was adopted and S.B. No. 2896, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PREVENTION OF UNFAIR LABOR PRACTICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 45-16 (S.B. No. 2673, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator English, seconded by Senator Baker and carried, Conf. Com. Rep. No. 45-16 was adopted and S.B. No. 2673, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL AGENCIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 46-16 (S.B. No. 2408, S.D. 1, H.D. 2, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 46-16 be adopted and S.B. No. 2408, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Keith-Agaran.

Senator Keith-Agaran requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Keith-Agaran's remarks read as follows:

"Mr. President, I rise in support of this measure.

"This measure adopts the Uniform Partition of Heirs Property Act, which establishes procedures and remedies applicable to actions for partition of real property that is deemed heirs property. Family members involved in a partition action may be unfamiliar with their rights under the partition action or may not be able to afford legal counsel. This loss of hui lands due to lack of legal sophistication of financial resources remains a challenge for Hawai'i residents pulled into quiet title and other judicial proceedings.

"This measure addresses some of these concerns by requiring the court to determine, as a jurisdictional matter, whether the property in question is indeed heirs property, and also specifies that the court is responsible for appointing a special master to fulfill the notice requirements associated with an action for partition.

"I recommend that my colleagues also vote in favor of this measure."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 46-16 was adopted and S.B. No. 2408, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARTITION OF HEIRS PROPERTY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 47-16 (S.B. No. 2375, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 47-16 was adopted and S.B. No. 2375, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 49-16 (H.B. No. 2277, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Shimabukuro, seconded by Senator Galuteria and carried, Conf. Com. Rep. No. 49-16 was adopted and H.B. No. 2277, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE KING KAMEHAMEHA CELEBRATION COMMISSION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 50-16 (H.B. No. 2077, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Inouye, seconded by Senator Gabbard and carried, Conf. Com. Rep. No. 50-16 was adopted and H.B. No. 2077, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HYDROELECTRIC POWER," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 53-16 (H.B. No. 901, S.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 53-16 was adopted and H.B. No. 901, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 54-16 (H.B. No. 1011, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Inouye, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 54-16 was adopted and H.B. No. 1011, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 56-16 (H.B. No. 2305, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Harimoto, seconded by Senator Dela Cruz and carried, Conf. Com. Rep. No. 56-16 was adopted and H.B. No. 2305, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DWELLING UNIT REVOLVING FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 57-16 (H.B. No. 2017, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 57-16 was adopted and H.B. No. 2017, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION TREATMENT PLANS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 58-16 (H.B. No. 2018, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Kim, seconded by Senator Dela Cruz and carried, Conf. Com. Rep. No. 58-16 was adopted and H.B. No. 2018, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT PROCESSES AND SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 59-16 (H.B. No. 1739, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Keith-Agaran, seconded by Senator Kim and carried, Conf. Com. Rep. No. 59-16 was adopted and H.B. No. 1739, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 60-16 (H.B. No. 1578, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Keith-Agaran, seconded by Senator Kahele and carried, Conf. Com. Rep. No. 60-16 was adopted and H.B. No. 1578, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 61-16 (H.B. No. 2030, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Wakai, seconded by Senator Inouye and carried, Conf. Com. Rep. No. 61-16 was adopted and H.B.

No. 2030, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POLLUTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 62-16 (H.B. No. 2036, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Gabbard, seconded by Senator Wakai and carried, Conf. Com. Rep. No. 62-16 was adopted and H.B. No. 2036, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION DISTRICTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 65-16 (H.B. No. 1726, S.D. 1, C.D. 1):

On motion by Senator Keith-Agaran, seconded by Senator Kim and carried, Conf. Com. Rep. No. 65-16 was adopted and H.B. No. 1726, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MURDER," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 68-16 (H.B. No. 254, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Espero and carried, Conf. Com. Rep. No. 68-16 was adopted and H.B. No. 254, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 72-16 (S.B. No. 2904, H.D. 1, C.D. 1):

Senator Gabbard moved that Conf. Com. Rep. No. 72-16 be adopted and S.B. No. 2904, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Galuteria.

Senator Keith-Agaran requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Keith-Agaran's remarks read as follows:

"Mr. President, I rise in support of this long overdue measure, which will provide for the establishment of aquatic mitigation banks to recover resources lost to adverse impacts on similar lost habitats. The federal government and 28 other states have already established mitigation bank systems, and Hawai'i with its critically important aquatic resources deserves to join their ranks. This mitigation management system has been contemplated by the Department of Land and Natural Resources for many years, and I have little doubt that it will succeed in providing prospective compensatory mitigation as well as serving as a statutory remedy for past damage to aquatic habitats or resources.

"I urge my colleagues to support this measure as a new tool for our State to use in its efforts to achieve meaningful forward-looking environmental protection and management."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 72-16 was adopted and S.B. No. 2904, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC MITIGATION BANKS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 73-16 (S.B. No. 2854, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 73-16 was adopted and S.B. No. 2854, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 74-16 (S.B. No. 2853, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 74-16 was adopted and S.B. No. 2853, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 77-16 (S.B. No. 2453, H.D. 1, C.D. 1):

Senator Gabbard moved that Conf. Com. Rep. No. 77-16 be adopted and S.B. No. 2453, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Keith-Agaran.

Senator Keith-Agaran requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Keith-Agaran's remarks read as follows:

"Mr. President, I rise in strong support of this measure.

"This measure connects and coordinates efforts between the judiciary and executive branches to protect the environment. With this measure, we make the successful educational programs of the Department of Land and Natural Resources available to the newly created environmental courts as a means to instill a spirit of stewardship of our aquatic resources in those who would otherwise exploit or harm our environment. Educational opportunities deter future violations, enhance public knowledge about Hawai'i's resources, and ensure that punishment for resource violations is appropriate.

"Specifically, this measure increases the sentencing options of the environmental court from either monetary fines or incarceration, to include community service and mandatory participation in environmental educational programs.

"Quoting American Environmentalist John Muir: 'Pollution, defilement, squalor are words that never would have been created had man lived conformably to Nature.' – *John of the Mountains: The Unpublished Journals of John Muir*, (1938), pg. 222.

"I urge my colleagues to support this measure."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 77-16 was adopted and S.B. No. 2453, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES PENALTIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 78-16 (S.B. No. 3084, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator English, seconded by Senator Inouye and carried, Conf. Com. Rep. No. 78-16 was adopted and S.B. No. 3084, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CESSPOOLS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 79-16 (S.B. No. 2850, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Riviere and carried, Conf. Com. Rep. No. 79-16 was adopted and S.B. No. 2850, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE INDUSTRY REGULATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 80-16 (S.B. No. 2731, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Kidani, seconded by Senator Tokuda and carried, Conf. Com. Rep. No. 80-16 was adopted and S.B. No. 2731, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 81-16 (S.B. No. 2670, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Tokuda and carried, Conf. Com. Rep. No. 81-16 was adopted and S.B. No. 2670, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BEHAVIOR ANALYSTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 82-16 (S.B. No. 2542, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Kim, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 82-16 was adopted and S.B. No. 2542, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REPAIR AND MAINTENANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 84-16 (S.B. No. 2981, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Kidani, seconded by Senator Riviere and carried, Conf. Com. Rep. No. 84-16 was adopted and S.B. No. 2981, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 89-16 (S.B. No. 2849, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 89-16 was adopted and S.B. No. 2849, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES,"

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 93-16 (H.B. No. 2559, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator English and carried, Conf. Com. Rep. No. 93-16 was adopted and H.B. No. 2559, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 111-16 (S.B. No. 2680, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Riviere and carried, Conf. Com. Rep. No. 111-16 was adopted and S.B. No. 2680, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 112-16 (S.B. No. 2863, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Galuteria and carried, Conf. Com. Rep. No. 112-16 was adopted and S.B. No. 2863, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CITATIONS FOR MASSAGE THERAPY VIOLATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 113-16 (S.B. No. 2812, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 113-16 was adopted and S.B. No. 2812, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE SOLICITATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 114-16 (S.B. No. 2298, S.D. 1, H.D. 1, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 114-16 be adopted and S.B. No. 2298, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Keith-Agaran.

Senator Keith-Agaran requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Keith-Agaran's remarks read as follows:

"Mr. President, I rise to speak in support of this measure.

"Anyone with a Facebook, Twitter, or Instagram account, or who has purchased music or television programming or a movie online has acquired digital assets. These assets do not exist within the physical jurisdiction of the State of Hawai'i. They exist on computer servers and in the digital 'cloud.' This measure seeks to address the fiduciary responsibilities of technology companies in managing our digital assets.

"The purpose of this measure is to adopt a revised version of the Uniform Fiduciary Access to Digital Assets Act, which provides authority to plan for the management and disposition of digital assets. This measure addresses situations such as who owns certain digital assets when a person dies or placed under conservatorship.

"The Uniform Law Commission has worked to address concerns raised by internet service providers and privacy advocates with respect to certain provisions of the original Uniform Fiduciary Access to Digital Assets Act. As a result of those efforts, the Uniform Law Commission has adopted a revised version of the Uniform Fiduciary Access to Digital Assets Act. The revised Uniform Fiduciary Access to Digital Assets Act, which this measure proposes to adopt, is intended to modernize fiduciary law for the internet age by providing internet users with the ability and authority to plan for the management and disposition of their digital assets in a manner similar to the process for management and disposition of their tangible property.

"I urge my fellow members to support this measure."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 114-16 was adopted and S.B. No. 2298, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 117-16 (S.B. No. 2512, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Gabbard, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 117-16 was adopted and S.B. No. 2512, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 120-16 (S.B. No. 2559, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Harimoto and carried, Conf. Com. Rep. No. 120-16 was adopted and S.B. No. 2559, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 121-16 (S.B. No. 2547, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Dela Cruz and carried, Conf. Com. Rep. No. 121-16 was adopted and S.B. No. 2547, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 124-16 (S.B. No. 2551, H.D. 1, C.D. 1):

On motion by Senator Keith-Agaran, seconded by Senator Tokuda and carried, Conf. Com. Rep. No. 124-16 was adopted and S.B. No. 2551, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 125-16 (S.B. No. 2108, H.D. 1, C.D. 1):

On motion by Senator Keith-Agaran, seconded by Senator Kahele and carried, Conf. Com. Rep. No. 125-16 was adopted and S.B. No. 2108, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCESS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 126-16 (S.B. No. 2106, H.D. 1, C.D. 1):

On motion by Senator Keith-Agaran, seconded by Senator Galuteria and carried, Conf. Com. Rep. No. 126-16 was adopted and S.B. No. 2106, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WITNESSES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 129-16 (S.B. No. 2439, S.D. 1, H.D. 1, C.D. 1):

Senator Keith-Agaran moved that Conf. Com. Rep. No. 129-16 be adopted and S.B. No. 2439, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kahele.

Senator Keith-Agaran requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Keith-Agaran's remarks read as follows:

"I rise in support of this measure, Mr. President.

"Due to the popularity and widespread use of smartphones equipped with video or audio recording and photographing capabilities, video and sound recordings, as well as photos of law enforcement officers acting in the exercise of their duties have been used as evidence in cases of alleged police misconduct or widely disseminated via social media. Those uses may indeed serve a valuable social function. In certain situations, however, these recordings and images run the risk of being treated by law enforcement officials as an obstruction to government operations or invasion of privacy.

"While some will argue that the federal and state constitutions provide protection for these types of citizen recordings, this measure plainly establishes circumstances that will serve as exceptions to the offense of obstructing government operations and the offense of violation of privacy. It allows a person to record or photograph a law enforcement officer exercising the officer's duties if the person does not interfere with the officer's ability to maintain safety and control, secure crime scenes and accident sites, protect the integrity and confidentiality of investigations, or protect public safety and order. This measure strikes an appropriate balance between the right of the public to record public officials exercising their duties, and the duties of those officials to carry out their functions in a safe and efficient manner.

"I therefore request my colleagues to also vote in support of this measure."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 129-16 was adopted and S.B. No. 2439, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 131-16 (H.B. No. 1749, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Gabbard, seconded by Senator Kim and carried, Conf. Com. Rep. No. 131-16 was adopted and H.B. No. 1749, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER MANAGEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 135-16 (H.B. No. 2090, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 135-16 was adopted and H.B. No. 2090, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND COURT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 136-16 (H.B. No. 2247, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Keith-Agaran, seconded by Senator Kim and carried, Conf. Com. Rep. No. 136-16 was adopted and H.B. No. 2247, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENTAL TRAVEL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 137-16 (H.B. No. 2671, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 137-16 was adopted and H.B. No. 2671, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL JUSTICE DATA," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 138-16 (H.B. No. 2561, H.D. 1, S.D. 1, C.D. 1):

Senator Keith-Agaran moved that Conf. Com. Rep. No. 138-16 be adopted and H.B. No. 2561, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kahele.

Senator Keith-Agaran requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Keith-Agaran's remarks read as follows:

"Mr. President, I rise in strong support of this measure.

"As the Conference Committee Report states, this measure is the result of the deliberations and report of the Penal Code Review Committee, established pursuant to House Concurrent Resolution No. 155, S.D. 1 of 2015. The group represented an extraordinarily wide variety of stakeholders, including trial and appellate judges, all four county prosecutors, public defenders and private defense lawyers, the Attorney General, the director of the Department of Public Safety, and many social and legal service agency representatives. I would like to specifically recognize and commend the leadership and diligence of

committee chairperson Circuit Court Judge Steven Alm and committee reporter Judge Lisa Ginoza of the Intermediate Court of Appeals, as well as the hard work of all the subcommittee chairs. The legislature received a proposed review that reflected the collective wisdom of the people who actually work with the Hawaii Penal Code and its related statutes on a daily basis, as well as their insights and views of the latest national research and trends in criminal law.

“Mr. President, although different members of the Penal Code Review Committee may have reached different conclusions concerning any one particular proposed amendment to the Hawaii Penal Code, I can state with certainty and clarity that the overall result of 84 separate proposals represents a balanced approach to making our criminal justice process more fair and efficient. The measure includes important new revisions with respect to victim notification and restitution, timely forensic mental health examinations, and strict new conditions that may be attached probation.

“I will note in particular that during conference committee meetings, chairs from both houses worked collaboratively to refine, broaden, and toughen Hawai'i law with respect to habitual property crime offenders. In so doing, it was our intention to clearly indicate that the property interests of individuals and small enterprises matter greatly to all of us. I would like to recognize the efforts of the chair of the House Committee on Judiciary for his hard work, creativity, and willingness to compromise.

“I highly encourage my fellow members of this body to read the Conference Committee Report to further understand the degree to which this measure represents a comprehensive policy statement that must be considered in its entirety. I strongly urge all my colleagues to lend their support to this very important and broad-ranging measure.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 138-16 was adopted and H.B. No. 2561, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ADMINISTRATION OF JUSTICE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 141-16 (H.B. No. 2626, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Wakai, seconded by Senator Gabbard and carried, Conf. Com. Rep. No. 141-16 was adopted and H.B. No. 2626, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO UNDERGROUND STORAGE TANKS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 142-16 (H.B. No. 2646, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Wakai, seconded by Senator Baker and carried, Conf. Com. Rep. No. 142-16 was adopted and H.B. No. 2646, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 143-16 (H.B. No. 2569, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Kidani, seconded by Senator Inouye and carried, Conf. Com. Rep. No. 143-16 was adopted and H.B. No. 2569, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN

ACT RELATING TO ENERGY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 145-16 (H.B. No. 2363, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Keith-Agaran, seconded by Senator Baker and carried, Conf. Com. Rep. No. 145-16 was adopted and H.B. No. 2363, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LABOR,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 146-16 (H.B. No. 1046, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Keith-Agaran, seconded by Senator Tokuda and carried, Conf. Com. Rep. No. 146-16 was adopted and H.B. No. 1046, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO WRONGFUL IMPRISONMENT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 147-16 (H.B. No. 1902, H.D. 2, S.D. 1, C.D. 1):

Senator Keith-Agaran moved that Conf. Com. Rep. No. 147-16 be adopted and H.B. No. 1902, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Gabbard.

Senator Keith-Agaran requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Keith-Agaran's remarks read as follows:

“Mr. President, I rise in support of Conference Committee Report 147, H.B. 1902, H.D. 2, S.D. 1, C.D. 1, Relating to Sex Trafficking.

“This measure renames the offense of Promoting Prostitution in the First Degree as the offense of ‘Sex Trafficking,’ explicitly classifying it as a violent crime and class A felony. It also ensures, among other provisions, that the crime will be included in the Crime Victims Compensation Fund process, and that law enforcement may use electronic means to investigate possible offenses.

“As with the currently named crime, the offense requires that the perpetrator use force, fraud, or intimidation in advancing prostitution, or, in the case of a minor, merely advance or profit in any way from subjecting the minor to perform acts of prostitution. In the case of a crime perpetrated against a minor, the threshold for the state of mind of the perpetrator with respect to the minor's age is the lowest possible degree recognized by the Hawaii Penal Code.

“This measure also revises the penalties for the underlying statutory offense of prostitution, so that a person who purchases prostitution services in reckless disregard of the fact that the person providing the services is a victim of sex trafficking commits a class C felony. Additionally, the penalty for a minor who engages in prostitution services is reduced from a petty misdemeanor to a violation. The minor will be subject to the jurisdiction of the family court only, and law enforcement officers will have the discretion under current statutory law to choose appropriate release of the minor to a parent or legal

guardian or refer and release the minor only to the court or a designated agency out of concern for the minor's welfare or protection. It is hoped that this new system of processing violations by minors for engaging in prostitution will encourage more youth to avail themselves of specialized social services while also keeping their criminal records clean.

"This measure is the result of extensive discussions with stakeholders and law enforcement officials, and went through significant technical changes to address the complex nature of prosecution of these types of offenses. I urge my colleagues to lend their support."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 147-16 was adopted and H.B. No. 1902, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEX TRAFFICKING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 151-16 (S.B. No. 2833, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Galuteria, seconded by Senator Harimoto and carried, Conf. Com. Rep. No. 151-16 was adopted and S.B. No. 2833, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LOW-INCOME HOUSING TAX CREDIT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 152-16 (S.B. No. 2384, S.D. 1, H.D. 1, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 152-16 be adopted and S.B. No. 2384, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kidani.

Senator Ihara rose to speak in support of the measure as follows:

"Mr. President, I am in support of this bill, but I would have preferred to have unannounced inspection of the care homes to start sooner than three years. Thank you."

Senator Thielen rose to speak in support of the measure as follows:

"Thank you. Please insert the remarks of the prior senator as if they were my own." (The Chair so ordered, by reference only.)

The motion was put by the Chair and carried, Conf. Com. Rep. No. 152-16 was adopted and S.B. No. 2384, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING INSPECTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 153-16 (S.B. No. 2888, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 153-16 was adopted and S.B. No. 2888, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORENSIC MENTAL HEALTH PROCEDURES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 154-16 (S.B. No. 2915, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Baker and carried, Conf. Com. Rep. No. 154-16 was adopted and S.B. No. 2915, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 161-16 (H.B. No. 2016, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Keith-Agaran, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 161-16 was adopted and H.B. No. 2016, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 164-16 (H.B. No. 2008, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Keith-Agaran, seconded by Senator Kim and carried, Conf. Com. Rep. No. 164-16 was adopted and H.B. No. 2008, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 166-16 (H.B. No. 1370, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Keith-Agaran, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 166-16 was adopted and H.B. No. 1370, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DIVORCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 167-16 (H.B. No. 2353, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Keith-Agaran, seconded by Senator Tokuda and carried, Conf. Com. Rep. No. 167-16 was adopted and H.B. No. 2353, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTIONS FROM CIVIL SERVICE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 168-16 (H.B. No. 2009, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Keith-Agaran, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 168-16 was adopted and H.B. No. 2009, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOISTING MACHINE OPERATORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 169-16 (H.B. No. 1527, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Tokuda, seconded by Senator English and carried, Conf. Com. Rep. No. 169-16 was adopted and H.B. No. 1527, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO TAXATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 171-16 (H.B. No. 2482, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Tokuda and carried, Conf. Com. Rep. No. 171-16 was adopted and H.B. No. 2482, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

FINAL READING

MATTER DEFERRED FROM THURSDAY, APRIL 28, 2016

Conf. Com. Rep. No. 7-16 (H.B. No. 2501, H.D. 2, S.D. 2, C.D. 1):

Senator Gabbard moved that Conf. Com. Rep. No. 7-16 be adopted and H.B. No. 2501, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tokuda.

Senator Riviere rose to speak in opposition to the measure as follows:

“Thank you. Members, I did receive a response from the attorney general to our questions from Friday night, and you may remember the first question that I asked was, ‘Does BLNR have the authority to issue revocable permits to Alexander & Baldwin for its diversion of water from East Maui that would allow A&B to use water for the remainder of their sugar operations in Central Maui?’ And the first word of the answer is ‘yes.’ Then, to be fair, I will try to fairly paraphrase this. The answer says, ‘Yes, the BLNR has the general authority to dispose of water rights by permit under those conditions that will best serve the State of Hawai‘i. However, the BLNR might not be able to issue new revocable permits to A&B during the remainder of its sugar operations in Central Maui.’ So, it’s a nuanced answer on that, but the point remains that there is an administrative process there, as cumbersome as some may feel it is.

“Question 2: This was, again, addressed to the DLNR chair. It says, ‘Will you include on a near-future agenda of the BLNR an item to allow the BLNR to consider granting new revocable permits to A&B for their diversion of water through the anticipated end of the sugar cultivation?’ So, the answer is, ‘While we recognize and appreciate the desire to place this matter on an agenda as quickly as possible, the BLNR’s consideration of new revocable permits to A&B would likely not be placed on the agenda until A&B first completes an application for new revocable permits, including chapter 343.’ So, once again, it falls back on A&B to move forward with their permits. Further, in an elaboration, it says, ‘On January 8, 2016, the Honorable Rhonda Nishimura, Circuit Court of the First Circuit, invalidated four revocable permits issued to A&B,’ and I think we’re all well-aware that that is the nexus of why we’re all having these discussions.

“On April 14th – not long ago – the BLNR ordered A&B to commence the environmental review process in compliance with chapter 343. So, good, it’s about time. Yesterday, on May 2nd, the BLNR ordered a briefing schedule and hearing on petitioner Na Moku Aupuni O Ko‘olau Hui’s motion for action to be taken by the BLNR. So, the process is underway, folks. You may also be well aware that the Department of Land and

Natural Resources has been engaged in a task force to figure out how to expeditiously start addressing these revocable permits.

“There have been many discussions about the travesty that will befall all agriculture in the State of Hawai‘i if we don’t just go ahead and pass this bill, because we have to pass this bill or else everybody’s going to be out of agriculture. Well, of course, over time, that’s been proven to be an exaggerated statement. The only people up who have a holdover permit status is A&B. There are nine other permittees who have water permits in the revocable permit process. A little piece of information that you guys might not know is, of the nine other permittees, here’s some of the rents that they’re paying: \$156 a year, \$156 a year, \$265 a year, \$156 a year. They’re very, very, very nominal, and I’m not saying that’s good or bad, but what I’m saying is there’s no interest for these people with the nine other revocable permits to hustle down to get a long-term lease because the rent will be adjusted accordingly.

“Many of you have seen the press release that occurred last week, or recently, about Alexander & Baldwin. The way it was portrayed was Alexander & Baldwin was willingly opening up eight streams, and they’re going to let them flow freely, and there was a big fanfare about that – that, boy, they’re really stepping forward. Well, May 1st, the *Maui News*, it said, ‘Alexander & Baldwin has fully restored water to three of the eight streams in East Maui.’ And then you continue on; it talks about the streams, and it says, ‘On Tuesday, HC&S General Manager Rick Volner said that the Waiokamilo, East Wailuanui, and West Wailuanui streams have been restored.’ And then the diversions that are permanently in place are the problem, why they can’t restore promptly any water flow to the other streams. Here’s something interesting: It says, according to the water commission’s report, HC&S already stopped diverting water from Waiokamilo Stream. So that was months ago. So, are they restoring the water or are they not?

“Many of you have seen my email I sent out recently and a *Civil Beat* post. It talks about a guy who gets done washing his car and then leaves the water running going down the driveway, being wasted. Who can argue with that metaphor? The water pouring down the driveway for no valid use is an utter waste of water. So, where is all that water going? Anywhere between 160 million gallons a day and, at capacity, when it was really flowing, they were diverting up to 450 million gallons a day, but on average, based on the contested case and some of the documents, the best usable figure is 160 million gallons a day. That’s more water than the island of O‘ahu uses, and they’re diverting it, and they’re no longer growing sugarcane. And they cannot control the flumes to release the water. They’ve got permanent diversions. This isn’t A&B’s water; it belongs to the State of Hawai‘i; it belongs to all the people of Hawai‘i. They don’t have a permit right now – the court invalidated their permits! Yet they’re continuing to divert all of this water.

“Meanwhile, the process continues. They have to do their EIS one way or the other. They have to get permission from the BLNR. There is a process; it works if it is allowed to proceed. House Bill 2501 interferes with the judicial process; it is special legislation that can only be met – the terms of this bill can only be met by one particular entity, and while it may say that some others of these nine might benefit from this, it’s kind of an illusory class of people. It’s not going to fix the problem. I would argue that it’s going to create other legal and logistical issues. H.B. 2501 is a bad bill, and it’s bad policy. Thank you.”

The Chair called for order in the gallery.

Senator Gabbard rose to speak in support of the measure as follows:

“Colleagues, this bill confronts us with the challenge of transition. There’s a lot of uncertainty and confusion in the local

agricultural community right now. We know where we want Hawai'i to be: a self-reliant, sustainable community where our energy is produced locally and renewably; our food is grown locally and sustainably; our water is clean and well-managed. But when trying to get Hawai'i to that goal, we are confronted with the challenges of our dependence on fossil fuels and imported food and diverted water, which sometimes makes it a challenge to know exactly how to proceed.

"But we know that we're getting there. We see new generations of young farmers on the rise, entrepreneurs focused on new business opportunities that provide for the needs of our community, and new diversified ag operations are taking root throughout the islands.

"During the public hearings on this bill, we heard testimony from Alexander & Baldwin's representatives, environmental advocates, taro farmers, ranchers, marine resource experts, and concerned citizens of all kinds about the importance of our water and ensuring a fair and transparent system for allowing access to this crucial shared resource. Colleagues, I realize this is not a perfect bill, but we did try hard to find a balance that I hope that everyone can live with. My goal during this process was to find the middle road, a compromise between the two sides on this issue.

"As you know, our Senate position was that the holdover permits can be approved for no more than three years on an annual basis and that we keep in the provision related to ensuring that the holdover permits were consistent with the public trust doctrine, and these components were included in the bill before us today. By setting the three-year end date, this will give permit holders some comfort that the rug won't be pulled out from under them because of the recent court decision. We also agreed to the House proposal to allow pending permit applicants to qualify under the provisions of the bill and, as you probably saw, the appropriation was also removed from the bill because the state budget includes funding for \$180,000 for two positions and \$1.5 million dollars for a U.S. Geological Survey study on streams. And finally, I'm hopeful that DLNR and the water commission can roll up their sleeves and work toward longer-term solutions as it applies to water rights. This is very important in helping to begin the healing process in our islands. Mahalo."

Senator Thielen rose to speak in opposition to the measure as follows:

"You know, I had supported, with reservations, the bill when it came out of the committee, and I want to recognize the efforts of the committee chair. But I have to say I was very uneasy when this bill first came in front of me and I spoke with representatives of Alexander & Baldwin, who had written the legislation and were walking the halls to convince us to support it. And when I looked at that court decision, I realized, gee, here's a decision where the judge is right; you can't continue temporary revocable permits for 16 years. But it was a practice that was going on in the department, and the reality is the department needed a little bit of time to transition. So, when I looked at that bill, my immediate question to Alexander & Baldwin is, 'Well, you've written this bill, but the state really should be responding to this court order by saying, "DLNR, you now have a court order. We're going to give you two years, funding and support, and the mandate to transition these revocable permits to long-term leases as appropriate. Get going.'" That would be a neutral bill; that would be a responsible approach that respected the existing water and land laws under the state. A&B fought that, and they said, 'No, our lawyers say we can't have that; we need this bill.' So, I worked with the chairman of the committee and some others on the amendments and reluctantly supported them.

"But after that vote, I found myself getting more and more uncomfortable. I was in a meeting with A&B where they explained that they need to continue the water allocation that they have now – even though their existing commercial agricultural operations are going out of business and they don't need that volume of water – because they needed to keep as much of that – all of it – as possible in the future until they finally decided what it was they were going to do. Now, I know A&B has been exploring alternative crops for more than a decade because they've been under criticism about the volume of water they're using. If they haven't figured it out by now, I'm not sure why we would allow them to water bank this amount for an indefinite period. And I'm concerned that even though we have that three-year limit, there has been a very common practice within this legislative body to strike those limits a couple years later when people aren't looking. So, that was my first concern.

"Then what happened was we had this argument that, oh, no, this isn't special legislation; this applies to multiple people. But all of a sudden, A&B was out of the bill. And then, next thing I see is a press conference with legislative leadership where A&B is announcing that it's going to restore certain amounts of water, and all of a sudden, A&B's back in the bill. And that's when I got really uncomfortable, because the message that that sends is: If you come deal with us, you don't need to abide by the water code or the land laws in chapter 205; we'll deal with you and we'll write special legislation for you. I can't support that.

"I think there are other options that are available under the existing law, and I think what we should be promoting is following the law and not special legislation on behalf of a company. And I trust that the department's working group that they have together now and the response that Gil has, that the department has enough options under the existing law to be able to move forward with all the people who are on their revocable permits – water licenses as well as land revocable permits – to make this transition happen. Again, I do appreciate the efforts of the chair of the committee, and I appreciate the Ways and Means to provide the support to DLNR to help make this transition happen, but I think we need to honor the integrity of the existing laws and let it happen in that manner. Thank you."

Senator Ruderman rose to speak in support of the measure with reservations as follows:

"This bill is in response to a crisis that was created by A&B and DLNR. A&B perhaps could have avoided this divisive confrontation but seems to have found it in their best interest to use the Legislature to sidestep a court ruling in favor of the public trust doctrine. A&B has ensnared other water revocable permit holders in a web of fear to support their efforts to bypass this legal ruling. Sadly, they seem to have succeeded. The Senate briefly flirted with a position that excluded A&B but protected other water revocable permit holders. Unfortunately, there was never a real commitment to that position, and A&B's tremendous influence has prevailed.

"If I had my way, I would vote 'no' on the game A&B is playing and 'yes' for the innocent family farms in my district who feel they need this protection as they transition to a long-term lease. I would love to vote 'no,' to support the taro farmers on Maui, who have waited too long to resume their ancestral practice and to exercise their rights as guaranteed by our constitution, and to support the streams of Maui, all of which deserve a healthy water flow without delay – not a few as a PR event, but all of them should flow to comply with the law without delay.

"But of the 10 revocable water permits statewide, 6 are on my island and 4 are in my district. For those in my district, none are taking water from streams. They maintain the water source

themselves at their own expense and have been trying to resolve their water RP issues for a decade or more. I must vote for my constituents; it's my job to represent my district's needs. I'm voting for people like John Cross and the independent farmers served by the Ed Olson Trust water system; Michelle Galimba and the other ranchers fed by water from Kuahiwi Enterprises; the Pāhala coffee farmers, mac nut farms, Randy Cabral and the neighboring ranchers, and homesteaders using the Wood Valley water system and Moa'ula water system; and finally for the family of Bill and Lani Petrie and the remarkable Jon Cran of Kapapala Ranch in Ka'ū, who are the best stewards any land could ever have and have struggled for decades to resolve their permit issues. These folks are my neighbors and they're family farmers; they're not mega-corporations, and they believe they need this bill. I regret that my vote benefits A&B and harms the Maui streams and the Maui small farmers who deserve water, but I must vote to support the family farms in my district who have been caught up in this fight through no fault of their own. In the end, I represent my district and I'm voting for the farmers in my district. Therefore, I'll be voting 'yes with reservations.' Thank you."

Senator Riviere rose to speak in opposition to the measure as follows:

"I disagree with the former speaker, my good friend from Puna, that the people on these other leases are in any way affected by A&B's antics. I just do not believe that it applies. This bill, if you look at how you could actually exercise the vehicle in this bill, nobody's going to have time to come forward, get into a holdover position – because they're not on holdover – so nobody's going to be able to get into holdover position and then have their lease get stuck in the quagmire, and then come back and begin the 343 process. Anybody going forward at this point is going to have to begin the 343 process, and that's as it should be, so this bill still applies and is for the benefit of one company, and I remain opposed. Thank you."

Senator Ihara rose to speak in opposition to the measure as follows:

"Mr. President, I believe this bill is special legislation for one private entity, in spite of the extensive effort to make it seem like a general law. As a for-profit corporation, I don't blame – or I'm not sure how much to blame – Alexander & Baldwin for making an attempt to get around the January 8th court ruling that invalidated their East Maui revocable water diversion permits. A&B does not now have holdover or revocable permits, so there are really no permits to extend for three years – they do not exist. The court's ruling itself invalidated the permits.

"The bill gives A&B a status, the status of having had, long decades ago, approved long-term leases, and that status, based on the uses back then, is being put forward and carried over by this bill without them having to do anything. So, it's almost, some would say, a preferential status. It does not require the land board to take any action; the Legislature's taking the action. And they continue to take water out of the East Maui streams, not only illegally, but they've been able to receive all the water for their last harvest without paying for any of it because there are no permits.

"A&B has taken the public's water out of these streams for decades with governmental permits, and I'm not sure if I would blame A&B for fulfilling their part of the deal in the permits, but with the closure of their last sugar operations and loss of their union members, and with a more independent administration, I think it's long past due for the state to allocate its water resources based on the public trust doctrine. I believe the Board of Land and Natural Resources in past times has shirked its public trust duty, and the court has said that. And the new Board of Land and Natural Resources, I believe, can and

should resolve the A&B water issue administratively, because they should receive all the water that they should have, but I believe this issue should be resolved administratively and not through special legislation that carries forward **by status** water rights, rather than having to engage in a consideration of what is in the public trust. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 7-16 was adopted and H.B. No. 2501, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER RIGHTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 17; Ayes with Reservations (Espero, Kahele, Kim, Ruderman, Slom). Noes, 8 (Chun Oakland, English, Green, Harimoto, Ihara, Riviere, Shimabukuro, Thielen).

FINAL READING

MATTER DEFERRED FROM WEDNESDAY, APRIL 27, 2016

Conf. Com. Rep. No. 11-16 (S.B. No. 2886, S.D. 2, H.D. 2, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 11-16 be adopted and S.B. No. 2886, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland.

Senator Baker requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

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

"Mr. President, I rise in strong support of S.B. 2886, C.D. 1, Relating to Age of Consent for Adolescent Mental Health Services.

"The intent of this measure is to drastically improve accessibility of mental health and counseling services by lowering the age of consent from 18 to 14 in order to receive such treatment. It is vital to note that this bill does not endow adolescents with total independence regarding their mental health treatment – parental consent is still required for prescription medication and out-of-home residential placements – however the measure does help to provide additional options to adolescents seeking mental health care.

"Mental health services are frequently unduly stigmatized in contemporary society, and barriers to obtaining necessary assistance can exacerbate existing problems. Hesitance to seek parental cooperation or situations in which parental involvement might be disruptive to treatment such as instances of family violence or substance abuse can inhibit a minor from seeking the treatment they might desperately need. By offering adolescents increased autonomy over their own mental health care, this measure strives to remove obstacles to improve emotional, mental, and social wellbeing.

"On the recommendation of the Department of Education and Hawai'i Youth Services Network (HYSN), among others, the age of consent was changed from 12 to 14 to ensure coherence with relevant existing statute. Testimony submitted by HYSN notes that the age of consent for primary and preventative healthcare, as well as for entry into an emergency youth center, is 14, and the DOE adds that adolescents of this age are considered competent to consent to mental health treatment.

"It is of paramount importance that we take all possible steps to protect the health and wellbeing of our keiki, and improving the accessibility of mental health treatment services is vital to achieving this goal.

“Colleagues, please join me in support of S.B. 2886, C.D. 1. Mahalo.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 11-16 was adopted and S.B. No. 2886, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AGE OF CONSENT FOR ADOLESCENT MENTAL HEALTH SERVICES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Kim). Noes, 1 (Gabbard).

FINAL READING

Conf. Com. Rep. No. 32-16 (H.B. No. 2340, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 32-16 was adopted and H.B. No. 2340, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORDS CHECKS UNDER THE CHILD PROTECTIVE ACT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 38-16 (H.B. No. 1561, S.D. 1, C.D. 1):

On motion by Senator Keith-Agaran, seconded by Senator Kahele and carried, Conf. Com. Rep. No. 38-16 was adopted and H.B. No. 1561, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO NUISANCE ABATEMENT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 39-16 (H.B. No. 1807, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 39-16 was adopted and H.B. No. 1807, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MILITARY SERVICE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Kahele).

Conf. Com. Rep. No. 51-16 (H.B. No. 2231, H.D. 1, S.D. 1, C.D. 1):

Senator Inouye moved that Conf. Com. Rep. No. 51-16 be adopted and H.B. No. 2231, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Ruderman rose and stated:

“Yes, Mr. President, I’d like to declare a potential conflict of interest. I’m a board member of the Hawaii Island Energy Cooperative who hopes to be in the position to benefit by this bill someday.”

The Chair ruled that there was no conflict.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 51-16 was adopted and H.B. No. 2231, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ENERGY COOPERATIVES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 55-16 (H.B. No. 1747, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator Nishihara and carried, Conf. Com. Rep. No. 55-16 was adopted and H.B. No. 1747, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 64-16 (H.B. No. 2604, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Gabbard, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 64-16 was adopted and H.B. No. 2604, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ACQUISITION OF REAL PROPERTY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 67-16 (H.B. No. 1581, H.D. 2, S.D. 2, C.D. 1):

Senator Gabbard moved that Conf. Com. Rep. No. 67-16 be adopted and H.B. No. 1581, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Keith-Agaran requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Keith-Agaran’s remarks read as follows:

“Mr. President, I rise in support of this measure.

“This measure prescribes important changes to appellate procedure from contested case hearings in certain administrative contexts. It mandates that appeals from final rulings and certain preliminary rulings for contested cases concerning the State Water Code (chapter 174C, Hawai’i Revised Statutes), conservation districts (chapter 183C, HRS, except for cases relating in whole or in part to shoreline setbacks or obstruction of access to public property), the Land Use Commission (chapter 205, HRS), the Public Utilities Commission (chapter 269, HRS), and the Hawaii Community Development Authority (chapter 206E, HRS) all be made directly upon the record to the supreme court. It also mandates that the supreme court expedite and prioritize appellate review of contested cases of statewide importance, and allows the supreme court to appoint a master or monitor over further hearings if the supreme court, after its review, remands a matter back to an agency. The measure clarifies that an agency itself may be considered an ‘aggrieved party’ for purposes of appeal. This direct and expedited review by the supreme court will result in clearer, more timely, and more consistent application of administrative law statewide in certain areas of critical importance to our land and other natural resources. I urge my colleagues to support this important measure.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 67-16 was adopted and H.B. No. 1581, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO JUDICIAL PROCEEDINGS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Shimabukuro). Noes, 1 (Riviere).

Conf. Com. Rep. No. 69-16 (H.B. No. 2632, H.D. 2, S.D. 2, C.D. 1):

Senator Nishihara moved that Conf. Com. Rep. No. 69-16 be adopted and H.B. No. 2632, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Keith-Agaran.

Senator Slom spoke in opposition to the measure as follows:

“Thank you. I think that the bill really does not do anything to help the mentally ill, is overbroad, and disqualifies people from their Second Amendment rights. Thank you.”

Senator Keith-Agaran requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Keith-Agaran’s remarks read as follows:

“Mr. President, I rise in support of this measure.

“The purpose of this measure is to authorize the Chief of Police to take immediate possession of firearms and ammunition from a person who has been disqualified from legal gun ownership due to a diagnosed behavioral, emotional or mental disorder, substance abuse, or involuntary or emergency psychiatric hospitalization. The disqualifying emergency or involuntary hospitalization does not apply until after examination and admission for treatment in accordance with current procedure established by law. The disqualification does not arise at the time of initial transport. The disqualification will be rescinded after a person has been medically documented to no longer be adversely affected by the mental illness. The bill does not change the existing process for seeking the return of the firearms to owners.

“The C.D. 1 of this measure shortens the existing requisite thirty-day timeframe for removing firearms from persons disqualified from firearms ownership, possession, or control for mental illness reasons under certain circumstances. This bill requires a notice of disqualification be sent to the disqualified firearms owner before the police can take possession of that individual’s firearms and ammunition, and authorizes seizure by the Chief of Police only if the person does not voluntarily surrender the firearms.

“Mr. President, in my view this measure strikes an importance balance between public safety and the rights of owners of firearms. I urge my colleagues to lend their support as well.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 69-16 was adopted and H.B. No. 2632, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FIREARMS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22; Ayes with Reservations (Gabbard, Riviere, Ruderman). Noes, 2 (Harimoto, Slom). Excused, 1 (Shimabukuro).

Conf. Com. Rep. No. 70-16 (H.B. No. 2391, H.D. 2, S.D. 2, C.D. 1):

Senator Nishihara moved that Conf. Com. Rep. No. 70-16 be adopted and H.B. No. 2391, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Keith-Agaran.

Senator Slom spoke in opposition to the measure as follows:

“We’re making a lot of progress, I think, on judicial reform, but one of the so-called reforms is the blurring of lines between punishment and being accountable for your crimes, and I think

that this rush across the nation to release people early is a mistake. We need to look, as we have, at sentencing laws, at the actual time served, but for this continual and aggressive early release, I think, makes a mockery of any judicial punishment. Thank you.”

Senator Kim rose to speak in opposition to the measure as follows:

“I agree with the previous speaker. I believe that this measure also gives one individual too much power; there are no checks and balances. One individual would be able to release these individuals; there is no sign-off; there is no one. This individual will make a report to the Legislature in a year, so we don’t find out for a year. The conference committee did, in fact, include a 48-hour notice to the prosecutors, but that’s all it is: a notification. So, there are no protections for the public on this measure, and it just gives too much power to one individual to be judge and jury after the judge and jury have already ruled. So, I will be voting ‘no.’ Thank you.”

Senator Ruderman rose to speak in support of the measure as follows:

“I agree with most of the concerns of the previous speaker, but we also have a situation where we have tremendously overcrowded prisons, to the point that many of our prisoners are now housed on the mainland, far from family. We have the highest incarceration rate in our country of any nation on Earth. And a good part of the problem was caused by mandatory sentencing laws that took any discretion away from the judge and jury, so I believe that we can either keep building more prisons and expand further into the prisons-for-profit industry, or we can begin to reverse that tide, and I believe that those who have committed victimless, non-violent crimes, such as drug possession, who do not pose a threat to their community, ought not to be incarcerated. Thank you.”

Senator Keith-Agaran requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Keith-Agaran’s remarks read as follows:

“Mr. President, I rise in support of this measure.

“This measure creates discretion for the director of the Department of Public Safety to release certain non-violent incarcerated individuals in the event that overcrowding in our state detention facilities rises to unsafe or inhumane levels. It is no secret that our state correctional centers are perceived as overcrowded to the extent that the safety and minimum health standards for some incarcerated persons cannot be maintained for extended periods of time. These conditions also create the potential for litigation against and liability by the State.

“Although this measure grants discretion to the director of the Department of Public Safety to select those misdemeanants the director considers appropriate for early release, it clearly specifies certain persons who would not be eligible under any circumstances, including anyone whose bail was denied or set at more than \$5,000, a person charged or convicted of a serious crime, a person arrested or convicted for domestic violence, and any person with a prior conviction for injury or threat of injury to another person. The director will be required to notify the relevant court and prosecuting attorney at least 48 hours in advance of any release, and may impose any conditions now allowed by law for persons released on bail or recognizance. I do point out to my colleagues that the measure includes a non-liability provision for the State and its officers with respect to any claims that might arise from a release. The measure will only apply to persons charged with offenses after the date of enactment, and specifies a sunset date of July 1, 2020.

“This is an measure is similar to a law that was in place in the late 1990s and early 200s that allowed the Director of Public Safety to release felons. I hope the authority granted by this measure will allow for flexibility in managing incarcerated populations while precluding the state from becoming the subject of allegations and liability for overcrowding. I urge my colleagues to also vote in support.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 70-16 was adopted and H.B. No. 2391, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE RELEASE OF CERTAIN MISDEMEANANTS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Chun Oakland, Harimoto, Kim, Riviere, Slom, Thielen).

Conf. Com. Rep. No. 75-16 (S.B. No. 1311, S.D. 2, H.D. 1, C.D. 1):

Senator Kidani moved that Conf. Com. Rep. No. 75-16 be adopted and S.B. No. 1311, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Slom spoke in support of the measure with reservations as follows:

“Thank you. We license everyone and everything in this state, and we assume that just the licensure or certification procedure itself makes things better. In this case, we’re talking about autism in the schools, and we’re talking about the resources and, actually, the supply of people to deal with this issue. This Legislature spent the last couple of years dealing with autism and its harsh consequences, but we do need people who are able to take care of the situation. And, I think, while any exemption should be carefully examined, I think that this exemption here, in the schools, is going to benefit the parents and the students themselves, so I support it. I do have reservations: It’s something that we should watch next year. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 75-16 was adopted and S.B. No. 1311, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Slom). Noes, none.

Conf. Com. Rep. No. 76-16 (S.B. No. 2987, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator English, seconded by Senator Nishihara and carried, Conf. Com. Rep. No. 76-16 was adopted and S.B. No. 2987, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 91-16 (H.B. No. 1897, H.D. 1, S.D. 1, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 91-16 be adopted and H.B. No. 1897, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tokuda.

Senator Slom spoke in opposition to the measure as follows:

“Thank you. I’ve always been consistent in terms of any mandates on health insurance. While I think health screenings –

just like many other options – are good things, they should not be mandated because if they are, then, in fact, we’re not talking about insurance. Thank you.”

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

“I didn’t want to let this opportunity pass without providing some rebuttal to my colleague who has now joined us on the floor. Actually, these health screenings are already mandated by the Affordable Care Act. The tests are part of prevention, to help make sure that the individual knows about any health issue. The screening assists the healthcare provider chart an appropriate a way to treat the condition diagnosed as a result of the screening test. That makes access to these screening tests very important and desirable benefit of health insurance. That’s what this measure really does. It says to all of the insurance plans in our state – including EUTF – that because these screenings are important their cost will be covered by the insurance plan. There are only a few outliers in the state that don’t have such provisions, and this brings all plans into alignment with the ACA. I have some prepared remarks also in support of this measure I’d like to have inserted 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 H.B. 1897, C.D. 1, Relating to Insurance Coverage of Health Screenings. It requires all insurance plans, including EUTF to cover annual screenings for sexually transmitted disease, including testing for HIV and acquired immunodeficiency syndrome.

“There are more than 1,200,000 people in the United States living with human immunodeficiency virus. Nearly one in eight affected persons is unaware of the infection. Of the nearly 50,000 new cases reported annually, one in four is between the ages of 13 and 24.

“Despite requirements set forth in the federal Patient Protection and Affordable Care Act of 2010 (ACA), it is still not common practice among all health care providers in this state to order the full range of tests for sexually transmitted diseases as part of an annual health screening. This is in part due to a perception among some health care providers that insurance will not reimburse for such tests, despite the ACA mandate.

“Early detection of sexually transmitted diseases, however, is paramount to proper health care and prevention of further disease transmission. Research has shown that preventive health services save lives and improve health by identifying illnesses earlier, allowing them to be managed more effectively and treated before they develop into more complicated, debilitating and costly conditions. Further, patients should be able to obtain insurance coverage for annual screenings if it is determined to be advisable based on a consultation with their doctors, as opposed to a determination made by their insurance company.

“This measure aims to harmonize Hawai‘i statute with federal law, and ameliorate gaps in coverage to ensure that all patients have access to proper treatment options and care.

“I ask my colleagues to join me in support of H.B. 1897, C.D. 1. Mahalo.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 91-16 was adopted and H.B. No. 1897, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE COVERAGE OF HEALTH SCREENINGS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 92-16 (H.B. No. 2252, H.D. 1, S.D. 2, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 92-16 be adopted and H.B. No. 2252, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland.

Senator Chun Oakland requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Chun Oakland's remarks read as follows:

"I would like to express my strong support for Hawai'i's Caregiver Act, H.B. 2252, H.D. 1, S.D. 2, C.D. 1. Family caregivers are the backbone of the long-term services and supports system in Hawai'i. Approximately 154,000 unpaid family caregivers in the state are caring for a relative or loved one, helping them to live independently in their own homes. These caregivers provide services valued at approximately \$2.1 billion annually. This measure requires hospitals to allow patients to designate a caregiver and provide designated caregivers the opportunity to participate in discharge planning and receive instruction prior to the patient's discharge from a hospital.

"Ensuring that patients and the family members that care for them receive high quality services is a priority. Engaging caregivers in a patient's discharge planning process is essential to successfully transitioning a patient back home. Additionally, home- and community-based programs and services provide relief to caregivers and are absolutely critical to enable seniors and others with short and long-term care needs to stay in their homes.

"The Hawai'i Legislative Family Caregivers Working Group (LFCWG) during the 2015 legislative interim provided comprehensive recommendations that address some of the root issues facing family caregivers.

"Members of the Kūpuna Caucus have provided exceptional leadership and support in being steadfast advocates over the past eleven years in identifying priority areas that the state needs to focus on and the group has contributed to the overall plan to create this strong caregiver support system in Hawai'i.

"Hawai'i's population of older adults continues to increase. In 2012, Hawai'i had the highest percentage of residents over the age of 85 in the United States, and this population is projected to grow to 65 percent over the next 20 years. These individuals are the most likely to need long-term supports and services and will likely rely on family and friends as their caregivers due to financial and resource constraints. Hawai'i's aging population growth will require an increasing number of caregivers for assistance. The AARP Public Policy Institute estimated the number of family caregivers to be 154,000 in 2013. To help successfully address the challenges of an increasing population of older adults and others who have significant needs for long-term care and support, all partners must come together to create a network of supports and services that help caregivers support their loved ones at home and in the community.

"While strong home- and community-based resources, such as respite, non-medical transportation services, and home-delivered meals, are important to help caregivers and their loved ones, medical supports are also important. Coordination among primary care providers along with preventive care will enable many seniors and other individuals with chronic or debilitating conditions to stay in their homes longer. However, in the event of an acute episode, hospitals must provide assistance to

patients and their caregivers in order to prepare them for discharge and help them transition back to their home.

"All hospitals must comply with comprehensive guidelines mandated by the federal government related to discharge planning and transitions of care. Among other things, hospitals must assess and consider the unique preferences and needs of patients and their caregivers when developing a discharge plan. Hospitals are also responsible for helping to arrange after-care services, including setting up appointments with the patient's primary care physician, specialists, or other special services. For a successful transition from hospital to home setting, the patient requires collaboration on the part of inpatient health care professionals and at-home caregivers.

"This bill better ensures that families are supported by ensuring that all patients in an inpatient hospital have an opportunity to designate a caregiver who shall be notified prior to the discharge or transfer of their loved one, to ensure that the patient and the designated caregiver are involved in the discharge planning process, and that the patient and caregiver are provided a consistent level of instructional support, both written and oral, prior to discharge to facilitate the patient's transition to the home setting regardless of which facility the patient is in.

"I want to thank AARP Hawaii; Healthcare Association of Hawaii; all members of the Hawai'i State Legislature's Kūpuna Caucus; Senator Les Ihara, Jr. and Representative Gregg Takayama who serve as co-conveners with me for the Kūpuna Caucus; Senator Roz Baker and Representatives Della Belatti and Dee Morikawa, who served with us on the LFCWG; and the thousands of residents who came forward over the past three years to discuss this important community issue. This team effort is greatly appreciated."

Senator Keith-Agaran requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Keith-Agaran's remarks read as follows:

"I rise in support of this measure, Mr. President.

"This measure addresses the very real fears and confusion of caregivers that arise when a friend or loved one is discharged from a medical facility. Although federal law and hospital best practices already require a certain degree of specificity with respect to after-care, this measure creates a clearer and more enforceable framework at the state level. The measure ensures that all patients have the opportunity to formally designate a caregiver and that the caregiver is given appropriate advance notice of the anticipated time of discharge. It requires that the caregiver is involved in pre-discharge planning and receives meaningful instruction and advice based on the patient's individual needs. At the same time the measure affords flexibility for the medical facility to incorporate certain well-recognized standards and conditions, recognizes that transfers to other facilities should not be interrupted, and clarifies that a discharge policy may not interfere with the operation of a pre-existing valid advance health care directive.

"I congratulate the stakeholders for their collaborative efforts this session in working with the lead subject matter committee chairpersons in both chambers of our legislature. I ask my colleagues to lend their further support."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 92-16 was adopted and H.B. No. 2252, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISCHARGE PLANNING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 102-16 (H.B. No. 1689, H.D. 2, S.D. 2, C.D. 1):

Senator Inouye moved that Conf. Com. Rep. No. 102-16 be adopted and H.B. No. 1689, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tokuda.

Senator Ruderman rose to speak in support of the measure as follows:

"I just want to say how much I applaud this bill. I want to thank all the chairs of committees who allowed this bill to continue to exist. The largest trend in the food industry over the last 40 years has been organic food, and this state has, so far, pretty much missed the boat in terms of supporting our farmers and getting into that fast-growing field. And this is a very welcome change, and I hope that we continue to support organic farming because it's economically in demand and because it benefits our people and the 'āina. Mahalo."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 102-16 was adopted and H.B. No. 1689, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 109-16 (S.B. No. 2289, S.D. 1, H.D. 1, C.D. 1):

Senator Keith-Agaran moved that Conf. Com. Rep. No. 109-16 be adopted and S.B. No. 2289, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kahele.

Senator Slom spoke in opposition to the measure as follows:

"It seems very simple: Just ask employers to do a little bit of this and a little bit of that, but all of that adds up, and right now, particularly, small businesses spend a great deal of their time, effort, and resources in complying with government regulations. And the problem is if, for some reason, there's a mistake in the regulations, they are subject to penalty and punishment. Thank you."

Senator Keith-Agaran requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Keith-Agaran's remarks read as follows:

"Mr. President, I rise to speak in strong support of this measure.

"In our current globally interconnected economy, the traditional local brick-and-mortar business employer-employee relationship has changed. Among the major players now are the federal Department of Labor and the resources that the U.S. government can apply to state and county labor problems. In addition, there is an entire industry sector composed of professional employer organizations, which provide short- and long-term skilled, unskilled, para-professional, and professional workers to many employers, both large and small and in a myriad of fields and businesses. A revised national coding system is the means by which federal agencies are able to predict national and international trends, and then to allocate federal funds and resources.

"This measure require employers, including those using professional employer organizations or third-party administrators, to keep a record of the former and current

physical addresses of an employer and the North American Industry Classification System code applicable to the employer. Federal funding levels for the Department of Labor and Industrial Relations have become a concern because the federal Bureau of Labor Statistics ties funding to the number of employing units reported, and an increasing number of employers are not responding to surveys. Implementation of this measure will allow the Department of Labor and Industrial Relations to gather accurate data regarding employers and protect its federal funding levels.

"I urge my colleagues to support this measure."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 109-16 was adopted and S.B. No. 2289, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 115-16 (S.B. No. 2652, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Inouye, seconded by Senator Tokuda and carried, Conf. Com. Rep. No. 115-16 was adopted and S.B. No. 2652, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 128-16 (S.B. No. 2723, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Keith-Agaran, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 128-16 was adopted and S.B. No. 2723, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENFORCEMENT OF WAGE LAWS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 148-16 (H.B. No. 2156, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Keith-Agaran, seconded by Senator Tokuda and carried, Conf. Com. Rep. No. 148-16 was adopted and H.B. No. 2156, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Thielen).

Conf. Com. Rep. No. 149-16 (H.B. No. 260, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Tokuda and carried, Conf. Com. Rep. No. 149-16 was adopted and H.B. No. 260, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 157-16 (S.B. No. 2131, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Inouye, seconded by Senator Tokuda and carried, Conf. Com. Rep. No. 157-16 was adopted and S.B. No. 2131, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," having been read throughout,

passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Wakai). Noes, none.

Conf. Com. Rep. No. 158-16 (H.B. No. 1753, H.D. 3, S.D. 2, C.D. 1):

Senator Inouye moved that Conf. Com. Rep. No. 158-16 be adopted and H.B. No. 1753, H.D. 3, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Nishihara.

Senator Ihara requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Ihara's remarks read as follows:

"Mr. President, loud noise from illegally modified mopeds has been a community problem for a long time. Eighteen bills have been introduced over the past ten years to address the moped noise issue, but they have all failed.

"Something different happened this year. Half the neighborhood boards on O'ahu adopted moped resolutions in support of the major parts of H.B. 1753, including annual safety inspections, replacing registration decals with license plates, and police pullover authority the same as motorcycles.

"I want to acknowledge the Moped Noise Mitigation Working Group, composed to many neighborhood board members and other community leaders, for the steady work they've done to ensure passage of this bill. Their leaders include spokesperson Tim Streit, board chairs George West and Larry Veray, Bob Kern, Antonia Agbannawag, and dozens of caring residents.

"MNMWG collaborated with the Department of Transportation, Honolulu Police Department, City Customer Service Department, and other agencies and organizations to research and propose appropriate language for the final version of the bill.

"Passage of H.B. 1753 will provide a another rare example of how grassroots citizens can collaborate on a community issue, propose well-researched legislation, and address all concerns raised by senators in the legislative process.

"My congratulations to O'ahu neighborhood board members for getting this bill passed on its first attempt."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 158-16 was adopted and H.B. No. 1753, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOPEDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (English, Keith-Agaran, Shimabukuro). Noes, none.

Conf. Com. Rep. No. 172-16 (H.B. No. 1072, H.D. 1, S.D. 2, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 172-16 be adopted and H.B. No. 1072, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Keith-Agaran.

Senator Slom spoke in opposition to the measure as follows:

"I know the bill has been changed and limited this session. We've talked about this issue, though, for many years, and we have several problems. One is the prescriptive authority itself – expansion – but secondly, our drug culture is such that, actually, we are prescribing more drugs, and more people are having problems with prescribed drugs than anything else. So, rather

than expanding the use and the authority of prescription drugs, I think we should be looking at the limitation of them. Thank you."

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

"I have a number of supporting documents I would like to have inserted into the Journal that talk about the efficacy, the limited formulary, the fact that psychologists will be well-trained under this bill and will be in a collaborative arrangement with a physician. But I want to speak specifically to the objection by the good senator from East Honolulu because I think what is lost on some people who have not perhaps worked on this measure as long as some of us have is the fact that psychologists wouldn't turn to drugs as the first treatment method, but in order to help patients wean off of drugs and move into another modality, they need to have the authority that comes with prescribing because they need to have that knowledge and understanding.

"I've talked to many psychologists; I've talked to many friends and neighbors, particularly on the neighbor islands – and this bill is confined to the neighbor islands – who simply don't have access to care. This opens up access to care. We would join some dozen of other states; Iowa just enacted a measure. We've had psychologists prescribing in the Department of Defense for decades. We've had folks in the health service in Indian country for decades prescribing. And I just want to note that some of the consumers have been writing in, saying, 'I want to thank you for listening to us, for listening to your constituents – more specifically, mental health patients, like myself, who make up a large part of the community here in Hawai'i who support psychologists prescribing.' It is simply in those areas in the neighbor islands, particularly in our rural areas, where there's no or limited access to care.

"We're moving into a healthcare system that is more patient-focused, that is more collaborative. The chief difference, and, I think, a telling point for this legislation, is that psychologists prescribe in a cooperative arrangement with a physician. That means that we're going to have psychologists working alongside by professionals who have prescribed for much longer and who will help to inform the care provided.

"I think it's also important to note that there are many places in our state that simply don't have access to these very important services, particularly for young people. There's a letter that I'm going to insert into the Journal that's from a mom on Kaua'i, saying, 'Even if we have an opportunity to see a psychiatrist, it's not the same one when my son has to go back again; it's somebody different because they're rotating in and out.'

"In this era of collaborative care, we have an opportunity to move forward with enabling well-trained psychologists to prescribe. There have been no incidents in the decades that they've been prescribing in the DOD. We haven't had incidents in other situations. It really is time to move forward with this measure. I would note that, in addition to limiting it to the neighbor islands – where there are greater challenges to access for psychiatric and psychological services, no doubt – it is a limited formulary. There is a seven-year sunset on it, so we'll have to come back and revisit it. But more importantly, it gives us an opportunity to make sure that services are available, services that folks need, services that can help them. We see so many letters from folks who have been prescribing for years, talking about how it's really helped their patients. We've seen evidence from parents and family members who can't get access to care but have a very good relationship with their psychologist, and if the psychologist could prescribe and something were needed, they wouldn't have to go doctor-shopping and try to find somebody who knows nothing about

their care. For the first time in, I guess, the dozen or so years that I've been working on this issue, the Department of Health supports the measure. We have psychiatrists coming forward and supporting the measure.

"Colleagues, I know that there's been some heavy lobbying on this measure. I ask you to please look into how it's going to help folks in your area if you're from the neighbor islands and, ultimately, how it's going to improve access in our state, and I ask you to join me in supporting this measure. Mahalo."

The Chair having so ordered, the additional documents are identified as "**ATTACHMENT A**" to the Journal of this day.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 172-16 was adopted and H.B. No. 1072, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTIVE AUTHORITY FOR CERTAIN PSYCHOLOGISTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22; Ayes with Reservations (Inouye, Wakai). Noes, 3 (Green, Kim, Slom).

Conf. Com. Rep. No. 173-16 (H.B. No. 2707, H.D. 1, S.D. 2, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 173-16 be adopted and H.B. No. 2707, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Keith-Agaran.

Senator Baker requested that remarks in strong support of the measure be entered into the Journal, and the Chair so ordered.

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

"Mr. President, I rise in support of H.B. 2707, C.D. 1, which seeks to improve the operation and oversight of the State's Medical Marijuana program.

"The conference draft will allow advanced practice registered nurses (APRNs) to certify patients for medical marijuana and will also allow collection of data on the medical marijuana industry in order to provide information for future decisions, to update, streamline, or change the medical marijuana program as it become fully implemented. The House and the Senate conferees drafted a measure to help ensure the safe, efficient and responsible operation of medical marijuana dispensaries and improved access for qualifying patients. Your Committee on Conference has made recommendations to amend state law related to the State's medical marijuana dispensary system, which are in line with guidance provided in the August 29, 2013, memorandum from the Deputy Attorney General.

"As Hawai'i implements its medical marijuana program through the use of highly regulated and monitored dispensaries, more patients will likely consider medical marijuana as a viable treatment option. This approach will not only ensure safer access to medicine, but boost the economy with career opportunities and new jobs. APRNs, in particular, are uniquely qualified because they already have prescriptive authority that includes writing prescriptions for scheduled controlled substances. APRNs already have the authority in five states to recommend medical marijuana – California, Maine, New Mexico, New York, and Washington.

"Your Committee on Conference wanted to strengthen effective regulatory and tracking oversight while promoting ease of dispensing by licensed entities through clarifying definitions and provisions relating to medical marijuana dispensary background checks, operations, paraphernalia, transport, and testing, as well as the definition of a 'plant' and a

production center. In particular, all members of a limited liability company dispensary applicant or licensee would be subject to criminal history record checks. This bill also establishes a Legislative Oversight Working Group which will provide feedback for needed improvements to the State's Medical Marijuana system once implementation occurs and the dispensaries and production centers are fully functional.

"The Committee on Conference of H.B. 2707 took a collaborative and deliberative approach to ensure safer access to medical marijuana and facilitate a new, legitimate industry while boosting the local economy. I ask my colleagues to join me in support of H.B. 2707, C.D. 1."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 173-16 was adopted and H.B. No. 2707, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL MARIJUANA," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 15-16 (S.B. No. 2317, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 15-16 was adopted and S.B. No. 2317, S.D. 2, H.D. 1, C.D. 1, 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, 25. Noes, none.

Conf. Com. Rep. No. 16-16 (S.B. No. 2330, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 16-16 was adopted and S.B. No. 2330, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOSPITAL SUSTAINABILITY PROGRAM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 17-16 (S.B. No. 2560, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 17-16 was adopted and S.B. No. 2560, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 18-16 (S.B. No. 2671, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 18-16 was adopted and S.B. No. 2671, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY TECHNICIANS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 19-16 (S.B. No. 2213, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Baker and carried, Conf. Com. Rep. No. 19-16 was adopted and

S.B. No. 2213, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NURSING FACILITY SUSTAINABILITY PROGRAM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 20-16 (S.B. No. 2910, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Dela Cruz and carried, Conf. Com. Rep. No. 20-16 was adopted and S.B. No. 2910, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE COMMISSIONERS OF DEEDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 21-16 (S.B. No. 3110, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Wakai, seconded by Senator Galuteria and carried, Conf. Com. Rep. No. 21-16 was adopted and S.B. No. 3110, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 22-16 (S.B. No. 3109, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Wakai, seconded by Senator Galuteria and carried, Conf. Com. Rep. No. 22-16 was adopted and S.B. No. 3109, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANUFACTURING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 26-16 (H.B. No. 1943, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Baker and carried, Conf. Com. Rep. No. 26-16 was adopted and H.B. No. 1943, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE FACILITIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 31-16 (H.B. No. 2093, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Wakai, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 31-16 was adopted and H.B. No. 2093, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR GOODWILL INDUSTRIES OF HAWAII, INC," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 41-16 (S.B. No. 2630, S.D. 1, H.D. 1, C.D. 1):

Senator Nishihara moved that Conf. Com. Rep. No. 41-16 be adopted and S.B. No. 2630, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Galuteria.

Senator Nishihara requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Nishihara's remarks read as follows:

"Senate President and colleagues, I rise to speak in support of S.B. 2630.

"This bill will support the rehabilitative efforts of the Department of Public Safety by authorizing Hawai'i Correctional Industries to sell inmate-made products and services on the open market to the general public. It will also authorize the proceeds from the sales to be first credited as restitution to victims, then to the State, and lastly, if any balances are left, to the inmate. The bill also requires that the Dept. of Business, Economic Development, and Tourism to conduct a feasibility study on establishing a reentry academy for qualified prison inmates, to be called the Reentry Academy for Training and Entrepreneurial Resources (RAFTER). As our state has seen our incarceration rates increasing and the need to increase bed space for more inmates, this program will hopefully provide an opportunity to change the trajectory of that growing prison population curve. The bill also includes \$150,000 for the study of the RAFTER program. I ask for your support of this bill."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 41-16 was adopted and S.B. No. 2630, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 48-16 (H.B. No. 2034, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Shimabukuro, seconded by Senator Gabbard and carried, Conf. Com. Rep. No. 48-16 was adopted and H.B. No. 2034, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE KAHO'OLAWA ISLAND RESERVE COMMISSION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 71-16 (S.B. No. 2217, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Gabbard, seconded by Senator English and carried, Conf. Com. Rep. No. 71-16 was adopted and S.B. No. 2217, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 85-16 (S.B. No. 2557, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Kidani, seconded by Senator Baker and carried, Conf. Com. Rep. No. 85-16 was adopted and S.B. No. 2557, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONCUSSIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 86-16 (S.B. No. 2645, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Gabbard, seconded by Senator English and carried, Conf. Com. Rep. No. 86-16 was adopted

and S.B. No. 2645, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER AUDITS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 87-16 (S.B. No. 2561, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Harimoto, seconded by Senator Tokuda and carried, Conf. Com. Rep. No. 87-16 was adopted and S.B. No. 2561, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL HOUSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 90-16 (H.B. No. 1878, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Baker and carried, Conf. Com. Rep. No. 90-16 was adopted and H.B. No. 1878, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 94-16 (H.B. No. 1997, S.D. 1, C.D. 1):

On motion by Senator Gabbard, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 94-16 was adopted and H.B. No. 1997, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 95-16 (H.B. No. 1999, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Gabbard, seconded by Senator Dela Cruz and carried, Conf. Com. Rep. No. 95-16 was adopted and H.B. No. 1999, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 96-16 (H.B. No. 2657, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Gabbard, seconded by Senator English and carried, Conf. Com. Rep. No. 96-16 was adopted and H.B. No. 2657, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 97-16 (H.B. No. 2317, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Dela Cruz and carried, Conf. Com. Rep. No. 97-16 was adopted and H.B. No. 2317, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE EMERGENCY AND BUDGET RESERVE FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 99-16 (H.B. No. 2121, H.D. 3, S.D. 2, C.D. 1):

Senator Keith-Agaran moved that Conf. Com. Rep. No. 99-16 be adopted and H.B. No. 2121, H.D. 3, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tokuda.

Senator Keith-Agaran requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Keith-Agaran's remarks read as follows:

"Mr. President, I rise in support of this measure, which will ensure funding availability for civil legal services by specialized private providers for low and moderate-income persons in our State through the Judiciary. Although there was a proviso in the Judiciary's biennium budget for both fiscal years 2016 and fiscal year 2017 requiring the Judiciary to fund these services, an actual appropriation was provided for only fiscal year 2016. Because no supplemental budget measure for the Judiciary was passed this session, without this specific bill the cost of these important ongoing legal services would have to come from the Judiciary as part of its overall operating costs. Therefore, this measure is necessary not only to fund critical legal services to low and moderate-income persons, but also to maintain basic operations of the Judiciary at its current base level."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 99-16 was adopted and H.B. No. 2121, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEGAL SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 100-16 (H.B. No. 2205, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Kidani, seconded by Senator Dela Cruz and carried, Conf. Com. Rep. No. 100-16 was adopted and H.B. No. 2205, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 101-16 (H.B. No. 801, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Inouye, seconded by Senator Riviere and carried, Conf. Com. Rep. No. 101-16 was adopted and H.B. No. 801, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR SUNSTRONG LLC, A RENEWABLE ENERGY DEVELOPER SERVING THE GENERAL PUBLIC IN PROVIDING ELECTRIC ENERGY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 103-16 (H.B. No. 1608, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Dela Cruz and carried, Conf. Com. Rep. No. 103-16 was adopted and H.B. No. 1608, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 104-16 (H.B. No. 2582, H.D. 1, S.D. 1, C.D. 1):

Senator Gabbard moved that Conf. Com. Rep. No. 104-16 be adopted and H.B. No. 2582, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Keith-Agaran requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Keith-Agaran's remarks read as follows:

"Mr. President, I rise in support of this measure, which would establish an Agricultural Food Safety Certification Program within the Department of Agriculture. This measure will assist our local farmers and ranchers in complying with federal and state food safety requirements, specifically the Food Safety Modernization Act. It also calls for research into less burdensome ways for small farmers and ranchers to satisfy the requirements of the Food and Drug Administration.

"The measure will reduce the risks involved in food production, assist in training small farmers by establishing food safety education programs, and appropriate funds to the Department of Agriculture to develop these programs and continue outreach efforts. The food security of our islands depends on making farming viable for a variety of farm sizes and types. For Maui's small farmers and ranchers, this measure will help them to prepare to meet the looming changes mandated at the federal level.

"This measure has received support from both the Department of Agriculture and a variety of organizations representing Hawai'i's farmers, all of whom see compliance with federal requirements as a challenging task. I urge my colleagues to support this measure."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 104-16 was adopted and H.B. No. 2582, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 107-16 (H.B. No. 1050, S.D. 2, C.D. 1):

On motion by Senator Wakai, seconded by Senator Gabbard and carried, Conf. Com. Rep. No. 107-16 was adopted and H.B. No. 1050, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERISLAND MOVEMENT OF INVASIVE SPECIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 108-16 (H.B. No. 2489, S.D. 1, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Dela Cruz and carried, Conf. Com. Rep. No. 108-16 was adopted and H.B. No. 2489, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF DEFENSE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 116-16 (S.B. No. 3126, S.D. 2, H.D. 2, C.D. 1):

Senator Kidani moved that Conf. Com. Rep. No. 116-16 be adopted and S.B. No. 3126, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Inouye.

Senator Kidani rose to speak in support of the measure as follows:

"Mr. President, Senate Bill 3126 was the classroom air conditioning bill that provides \$100 million in general funds for school cooling to cool over 1,000 classrooms. It removes any reference to use of GEMS funding or the \$30 million in GO bonds. The appropriation is good for the next two fiscal years, in which time we expect vast improvements in classroom environments statewide. This bill requires the DOE to report to the Legislature 20 days before session starts next year on their progress in cooling the 1,000-plus classrooms which this bill provides for as well as the different ways in which we have managed to lower the temperatures in our classrooms, which will go a long way in assisting our schools to be more attentive to better classroom environments for our students and teachers.

"This was the number one priority for our Education committee this year because in this age of technology, we have the capacity to cool our schools from their grueling high temperatures by using various technologies. We can, we must, and we will help our students and teachers on this issue.

"I would like to thank very much WAM Chair Jill Tokuda and her staff for their staunch support in keeping this bill whole and for providing the needed funding to support the intent of this bill.

"And, Mr. President, I would be remiss if I did not thank my colleagues in the House – the chair of the Education committee, Representative Roy Takumi, and Representative Takashi Ohno, his vice chair – for also doing their best to help us make sure that we got this bill passed. Aloha."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 116-16 was adopted and S.B. No. 3126, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 118-16 (S.B. No. 2550, H.D. 1, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Dela Cruz and carried, Conf. Com. Rep. No. 118-16 was adopted and S.B. No. 2550, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL FUNDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 119-16 (S.B. No. 2922, H.D. 1, C.D. 1):

On motion by Senator Tokuda, seconded by Senator English and carried, Conf. Com. Rep. No. 119-16 was adopted and S.B. No. 2922, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TAX REVIEW COMMISSION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 122-16 (S.B. No. 2845, H.D. 1, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Dela Cruz and carried, Conf. Com. Rep. No. 122-16 was adopted and S.B. No. 2845, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO REPAY GENERAL FUND CASH ADVANCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 123-16 (S.B. No. 2555, H.D. 1, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Dela Cruz and carried, Conf. Com. Rep. No. 123-16 was adopted and S.B. No. 2555, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 130-16 (H.B. No. 1041, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Gabbard, seconded by Senator Inouye and carried, Conf. Com. Rep. No. 130-16 was adopted and H.B. No. 1041, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 132-16 (H.B. No. 2029, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Gabbard, seconded by Senator Wakai and carried, Conf. Com. Rep. No. 132-16 was adopted and H.B. No. 2029, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER INFRASTRUCTURE LOANS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 134-16 (H.B. No. 2040, S.D. 1, C.D. 1):

On motion by Senator Gabbard, seconded by Senator Dela Cruz and carried, Conf. Com. Rep. No. 134-16 was adopted and H.B. No. 2040, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER SECURITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 139-16 (H.B. No. 1543, S.D. 1, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Dela Cruz and carried, Conf. Com. Rep. No. 139-16 was adopted and H.B. No. 1543, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 144-16 (H.B. No. 2772, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 144-16 was adopted and H.B. No. 2772, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 155-16 (S.B. No. 2196, S.D. 2, H.D. 1, C.D. 1):

Senator Nishihara moved that Conf. Com. Rep. No. 155-16 be adopted and S.B. No. 2196, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Keith-Agaran.

Senator Nishihara requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Nishihara's remarks read as follows:

"Senate President and colleagues, I rise to speak in support of S.B. 2196.

"This bill is intended to promote law enforcement transparency and accountability by establishing a Law Enforcement Officer Independent Review Board within the Department of the Attorney General to review criminal investigations of incidents of officer-involved death conducted by law enforcement agencies and make recommendations to the respective county prosecuting attorney. To insure some measure of citizen input, two community members with no law enforcement or criminal justice experience to the Board with one appointed by the Governor and the other by the Attorney General. To further ensure confidentiality protections, information submitted by the law enforcement agency to the Board shall not extend to records, documents, or information in the possession of another government agency. To allow enough time for the Board to carry out its activities, the Board will submit a report to the Legislature of its findings and recommendations prior to the Regular Session of 2022 and will sunset on June 30, 2022. The bill also includes an appropriation of \$100,000 of general fund revenues. I ask for your support for this bill."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 155-16 was adopted and S.B. No. 2196, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAW ENFORCEMENT OFFICER INDEPENDENT REVIEW BOARD," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 160-16 (H.B. No. 1752, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Keith-Agaran, seconded by Senator Tokuda and carried, Conf. Com. Rep. No. 160-16 was adopted and H.B. No. 1752, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF COMMUNITY SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 163-16 (H.B. No. 2605, H.D. 1, S.D. 2, C.D. 1):

Senator Keith-Agaran moved that Conf. Com. Rep. No. 163-16 be adopted and H.B. No. 2605, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tokuda.

Senator Keith-Agaran requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Keith-Agaran's remarks read as follows:

"Mr. President, I rise in support of this measure.

"Maui is in transition, a little later perhaps than our sister counties, but no less painful now. Maui Nui faces serious job layoffs and the challenges that accompany those losses.

"This measure appropriates funds to establish and administer job training and support services for individuals who are unemployed and dislocated due to the ongoing and scheduled

closure of Hawaiian Commercial & Sugar Company (HC&S), and the Makena Beach and Golf Resort on Maui.

“The closures of HC&S, the State’s last sugar plantation, and Makena Beach and Golf Resort as a hotel destination, will lead to the loss of over one thousand jobs on Maui by the end of this year. Although some employees of HC&S will be covered for job training assistance under the recent federal Trade Adjustment Act certification, other dislocated sugar workers will not. As employees lose their jobs and income, local restaurants and retailers will see a downturn in customers and sales, families may become unable to pay rent or the cost of a mortgages, and students may no longer be able to afford school or college tuitions. Unemployment nearly always has serious ripple effects, especially when a major enterprise with a host of longtime support businesses and vendors face the challenge of no longer servicing the company.

“In 2014, the United States Department of Labor awarded Hawai’i a Job-Driven National Emergency Grant to implement or expand job-driven training programs for dislocated workers including but not limited to opportunities for on-the-job training and apprenticeships. However, these funds are limited and due to expire on June 30, 2016, making them unavailable to a large group of dislocated workers in the county of Maui with diverse training needs. This measure will help provide opportunities for these workers who face an uncertain future.

“My profound thanks go to my Maui colleagues in both the House and the Senate for their support of this measure, to my fellow senators in moving this bill forward, and for the cooperation and support of the Department of Labor and Industrial Relations in fashioning the structure of this proposal.

“I urge my colleagues to support this measure.”

Senator Baker requested that the remarks of the Chair of the Committee on Judiciary and Labor be entered into the Journal as if they were her own, and the Chair so ordered (by reference only).

The motion was put by the Chair and carried, Conf. Com. Rep. No. 163-16 was adopted and H.B. No. 2605, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LABOR,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 165-16 (H.B. No. 2715, H.D. 2, S.D. 1, C.D. 1):

Senator Keith-Agaran moved that Conf. Com. Rep. No. 165-16 be adopted and H.B. No. 2715, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Galuteria.

Senator Keith-Agaran requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Keith-Agaran’s remarks read as follows:

“Mr. President, I rise in support of this measure.

“This measure requires that a closed claims study for workers’ compensation cases in Hawai’i be completed by the beginning of 2018. Although a working group will report on proposals for streamlining the workers’ compensation claims process by the beginning of the next legislative session, a detailed closed claims study has not been performed for our state since 1993 and is therefore overdue. The measure requires the study address both private-sector employees and state workers, the latter to include employees of the Department of Education and the University of Hawai’i. The measure includes

safeguards to mitigate any bias, or perception of bias, in the selection of the firm conducting the study and the parameters it uses. Finally, the cost of the study is to be shared equally between the state, through an appropriation of general funds, and workers’ compensation insurers, including captive and self-insured enterprises.

“In the interest of achieving better understanding of this important area of labor management, I urge my colleagues to support this measure.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 165-16 was adopted and H.B. No. 2715, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO WORKERS’ COMPENSATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2835, S.D. 1, H.D. 1:

On motion by Senator Keith-Agaran, seconded by Senator Green and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2835, S.D. 1, and S.B. No. 2835, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2836, S.D. 1, H.D. 2:

On motion by Senator Keith-Agaran, seconded by Senator Green and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2836, S.D. 1, and S.B. No. 2836, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 63-16 (H.B. No. 2675, H.D. 1, S.D. 2, C.D. 1):

Senator Gabbard moved that Conf. Com. Rep. No. 63-16 be adopted and H.B. No. 2675, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator English.

Senator Ruderman rose to speak in support of the measure as follows:

“I just wish to speak briefly about how important I think this issue is to us, and I want to thank the various members who kept this funding alive. You know, we don’t have an answer to this problem yet, but rapid ‘ōhi’a death has come upon us rather quickly. It threatens virtually all the remaining forest on my island and, if not controlled, in our state. While that’s tragic enough in its own right, if we can’t find a solution, it will lead to extinction of many of our last remaining native birds, a great diminishment in the capacity of our watershed, and the importance in our cultural traditions of the ‘ōhi’a forest cannot be overstated. So, I’m very appreciative of this funding; I hope we can find a solution for it.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 63-16 was adopted and H.B. No. 2675, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO RAPID OHIA DEATH,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 66-16 (H.B. No. 2279, H.D. 2, S.D. 2, C.D. 1):

Senator Keith-Agaran moved that Conf. Com. Rep. No. 66-16 be adopted and H.B. No. 2279, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tokuda.

Senator Keith-Agaran requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Keith-Agaran's remarks read as follows:

"Mr. President, I rise in support of this measure.

"The purpose of this measure is to appropriate funds to satisfy claims against the State, its officers, or its employees, including claims for legislative relief, judgments against the State, settlements and miscellaneous claims. The Conference Draft 1 for this measure adds four new claims that were recently resolved by the State for an additional general fund appropriation request of \$204,442.96.

"I recognize the comments from various members of this chamber to the effect that some of the claims settled or litigated by the State give the impression that state government operations are either exercised in a widely incompetent manner, that the State is seen merely as a set of 'deep pockets,' or both. One conferee even suggested that future budget allocations for administrative departments could be adjusted based on their claims history. Each year, the Department of the Attorney General summarizes the after-the-fact advice provided to the agencies that gave rise to the settlement, judgment, or claim. Some departments apparently continue behavior that has led to similar claims being brought with alarming frequency. I therefore recognize the need for more thorough overview and counseling of the various departments by the Department of the Attorney General, with a view to correcting these issues and perceptions. I would like to see the Department of the Attorney General affirmatively cooperate with various state departments and agencies in order to substantially mitigate legal claims against the State in the future.

"I hope my colleagues will support this measure."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 66-16 was adopted and H.B. No. 2279, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Slom). Noes, none.

Conf. Com. Rep. No. 83-16 (S.B. No. 3077, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Harimoto, seconded by Senator Wakai and carried, Conf. Com. Rep. No. 83-16 was adopted and S.B. No. 3077, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATEWIDE COMMUNITY PLANNING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 88-16 (S.B. No. 2659, S.D. 2, H.D. 1, C.D. 1):

Senator Gabbard moved that Conf. Com. Rep. No. 88-16 be adopted and S.B. No. 2659, S.D. 2, H.D. 1, C.D. 1, having been

read throughout, pass Final Reading, seconded by Senator Keith-Agaran.

Senator Gabbard rose to speak in strong support of the measure as follows:

"Colleagues, please indulge me for a couple of minutes. After all, we are looking at a historic bill here establishing a five-year industrial hemp pilot program under the Department of Ag to allow the cultivation of industrial hemp for agricultural and academic research, which includes the commercial sale of hemp as marketing and industry development. The provisions of this bill are consistent with the federal farm bill, which allows this research, and in passing this measure we'll join eight other states – including Colorado, Indiana, Kentucky, Minnesota, North Dakota, Oregon, Tennessee, and Vermont – in growing this amazing crop. The Hemp Industries Association estimated last year that the retail value of all hemp products in the U.S. was \$620 million. Incredibly, all that hemp is being imported from countries like China and Canada. Why? I'll explain that in a moment. Obviously, this makes no sense, given that we could be growing this wonderful crop here – not only growing it here; how about three harvests a year? You cannot do that in those other eight states.

"Colleagues, we're finally near the finish line, and I appreciate all your support throughout the legislative process. You've heard me go on and on about this in caucus and other hearings, so I'm going to summarize. Here's some background on how we got to where we are. The hemp plant is part of the cannabis family, which includes marijuana, but it contains less than 1 percent THC, so it cannot get you high. It's used in over 25,000 products. Hemp seed is used to make bread, granola, protein powder, medicine, fuel, lubricants, ink, paint, and cosmetics. I have right here some Hemp Heart Bites, and if you read the label on the back: 'Made in Canada with Canadian hemp.' Hemp stalks are used in clothing; construction materials, such as hempcrete; paper; and biofuel. I have a block of hempcrete here. You may have seen in the media there's a former NBA coach on Maui who's built a guest home out of hempcrete and is now building a larger home, also out of hempcrete. It doesn't have formaldehyde in it; therefore, those who have chemical sensitivities or allergies are finding this very good for their building materials. And hemp stalks are used in construction materials – as I mentioned – hempcrete, paper, and biofuel. Also, I was going to wear my hemp shirt today [*holds up shirt*], but I couldn't figure out how to wear a tie with it, so I just brought it. Also, my staff gave me a hemp briefcase [*holds up briefcase*]. So just to show you some of the products that are made with this amazing crop. Hemp is also used in phytoremediation, which involves removing toxicity from soils.

"Going back a few years, in 1776, the Declaration of Independence was drafted on hemp paper. Both George Washington and Thomas Jefferson grew hemp, and then what happened? The federal government got involved. In 1937, Congress passed the Marijuana Tax Act, which banned all cannabis products, including hemp. This effort had been egged on by the schlockumentary film *Reefer Madness*, which told the story of a man going insane from smoking marijuana and then killing his family with an axe. That law was followed up with the Controlled Substances Act of 1970, which put cannabis, including hemp, on the Controlled Substances list as a Schedule I drug – right up there with heroin, LSD, and marijuana – where it remains to this day.

"And, by the way, I know one of our congressmembers who happens to be an advocate for hemp at the federal level. She's a cosponsor of the main legislation in the U.S. House, H.R.525, to remove all restrictions on the cultivation of hemp and remove its classification as a Schedule I controlled substance. The U.S. Senate version of that bill is S.134.

“Now locally, here in Hawai‘i, in 1999, Act 305 was enacted, establishing a hemp research project that lasted three years out in Wahiawā. Governor Cayetano proclaimed December 14, 1999, as Industrial Hemp Day of Hawai‘i. There have been 19 bills and 13 resos introduced in the Legislature since 1999 related to hemp.

“I first got on the hemp bandwagon in 2013. A dear friend of mine, John Rogers, who lives on the windward side, asked that I look into hemp as possible legislation for the 2014 session. John has recently undertaken chemo; he’s currently awaiting surgery for liver cancer, so I wanted to make sure that I publicly gave him a shout-out for bringing this idea to me. This led me to introduce S.B. 2175 in 2014, which was signed into law as Act 56, which authorized UH’s CTAHR to establish a two-year hemp study. I must admit, I was a bit disappointed. I thought, enough already with the studies; we already did that in 1999 – let’s do this now! And then it became a bureaucratic nightmare, dealing with the federal Drug Enforcement Agency. It took 11 months to get the seeds here for the study. Nevertheless, on April 10, 2015, I patiently joined Dr. Harry Ako from UH for the hemp seed planting at the test plot in Waimānalo. A few months later, on July 23rd, I was invited to participate in the harvest. I was shocked when I arrived to see Dr. Ako standing beside hemp plants that were over 10 feet tall. Yes, from seed to 10 feet tall in 16 weeks with no fertilizers and no pesticides. I just happen to have one of the stalks [*holds up hemp stalk*], one of the plants that we harvested that day.

“So, finally, my vision is to see farmers in Hawai‘i growing hemp and the Hawai‘i branding that comes with that. What I would like to see is a cottage industry with Hawai‘i hemp granola, Hawai‘i hemp oil, Hawai‘i hemp toothpaste, Hawai‘i hemp shampoo – you know, with the hula girl on the label and a guy strumming his ‘ukulele underneath the coconut tree. In addition, I want Hawai‘i nei to become the hemp seed capital of the world. Colleagues, you are part of Hawai‘i hemp history. Here we are, 17 years later after we passed our first bill in Hawai‘i on hemp. Yes, hemp is finally ‘hempening’ here in paradise! (Sorry, I had to throw that in.) Please join me in supporting this important legislation so we can get this going. Mahalo.”

Senator Ruderman rose to speak in support of the measure as follows:

“I appreciate all the lofty comments of the previous speaker and agree with them all. In addition to the many products that can be made from it, hemp has an immediate benefit that it can provide to our farmers, particularly in the realms of biofuel production, soil enrichment, and poultry. People who raise chickens, whether for poultry meat or for eggs – their highest cost is usually importing feed. With this crop, they’ll be able to grow most of their own feed virtually for free. That’ll be a tremendous boost to our economy. I agree that it is a historic moment; it’s about time we emerged from the cloud of confusing hemp with any detrimental product that it does not deserve the association with.

“A lot of people think hemp is illegal because it’s related to marijuana; it’s actually the other way around. The interests that criminalized cannabis in 1937 were the oil and timber industries because of the tremendous potential that hemp has to create those kind of products. So, I welcome this change and I acknowledge it. Thank you.”

Senator Thielen rose and stated:

“Colleagues, now you know what I go through at just about every family gathering. I have to say, hemp may not get you high, but it certainly gets you quite excited about singing its praises. Mr. President, I just wanted to get a ruling on a potential conflict: One of the main advocates for hemp, who’s

over in the other chamber, has showered me with gifts of love and free babysitting for 55 years, and I just need to know whether there’s a potential conflict for me to vote on the bill.”

The Chair ruled that there was no conflict.

Senator Nishihara rose to speak in support of the measure as follows:

“I’d like to have the comments of the good senator from Kapolei to be entered as my own, with the exception of the demonstration products that he laid out on his desk.” (The Chair so ordered, by reference only.)

Senator Keith-Agaran requested that remarks of the senator from Kapolei also be entered into the Journal as his own, and the Chair so ordered, by reference only.

Senator Keith-Agaran also requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Keith-Agaran’s remarks read as follows:

“Mr. President, I rise in support of this measure.

“This measure establishes an industrial hemp pilot program within the State of Hawai‘i’s Department of Agriculture to allow the cultivation of industrial hemp and distribution of its seed in the State, through limited agricultural or academic research activities utilizing private licensees. It exempts the possession, cultivation, sale, receipt, or transfer of industrial hemp from the offenses related to drugs and intoxicating compounds, and appropriates funds for one full-time equivalent position to effectuate the pilot program. This program is scheduled to sunset on June 30, 2021.

“Industrial hemp is well-suited to Hawai‘i’s climate and soil and can grow to over ten feet in a short period of time with no pesticides. According to estimates by the Hemp Industries Association, retail sales of industrial hemp products grew to over \$620 million annually by 2014. Industrial hemp has over 25,000 uses, including food, fiber, and fuel products, and has high potential to contribute to the future viability of the State’s agricultural businesses. It could spur development of cottage industries and companies focused on manufacturing hemp-based products, including ‘hemp-crete’ and clothing.

“Since 1996, the Legislature has authorized a careful and deliberate regime of industrial hemp research. This began at an educational level, proving the viability of multi-harvest hemp seed cultivar in Hawai‘i’s ecosystem, its uses as cattle feed, as well as its value in bioremediation of polluted water and soil. Now, 20 years later, in 2016, a pilot program for the commercial production of industrial hemp is scheduled for enactment. This measure could bring new opportunities to Hawai‘i’s highly skilled agricultural machine operators as well as low-skill field workers. This is of particular interest in Maui county, due to closure of the sugar operations and the availability of large tracts of agricultural land (much of it designated Important Agricultural Lands) and consistent agricultural ware sources.

“Industrial hemp farming is occurring at the national level. California, Colorado, Delaware, Hawai‘i, Illinois, Indiana, Kentucky, Maine, Montana, Nebraska, North Dakota, Oregon, South Carolina, Tennessee, Utah, Vermont, Washington, and West Virginia have defined industrial hemp as a distinct agricultural crop and removed barriers to its production. Furthermore, President Obama signed the 2014 Farm Bill into law, which authorizes industrial hemp research and pilot programs in states that regulate hemp farming under the authority of the state department of agriculture. This relaxation of the federal government’s prohibition signals that hemp is poised to once again become a lucrative industrial crop in the

United States. I hope that this measure positions our state and Maui in particular to participate in its production.

“I urge my colleagues to support this measure.”

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

“I would like to note for the record that the hempcrete house is in Kīhei, which is in my district, and I believe Mr. Nelson’s other house – because he lives in Mā‘alaea – is probably going to be in my district as well. This would be a welcome addition on some of the lands that are going to go fallow with the demise of sugarcane, but I would note for the folks who were opposing any water staying with those lands that even hemp needs water. Thank you, Mr. President.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 88-16 was adopted and S.B. No. 2659, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INDUSTRIAL HEMP,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 98-16 (H.B. No. 1907, H.D. 2, S.D. 2, C.D. 1):

Senator Nishihara moved that Conf. Com. Rep. No. 98-16 be adopted and H.B. No. 1907, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Keith-Agaran.

Senator Keith-Agaran requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Keith-Agaran’s remarks read as follows:

“Mr. President, I rise in support of this measure.

“Many legislators and local advocates have worked to reduce the backlog of untested sexual assault evidence collection kits across the country. This leads to identifying and prosecuting perpetrators of sexual assaults, establishing or eliminating possible connections between perpetrators and other crimes, and exonerating innocent defendants who are wrongfully accused by ensuring that sexual assault evidence collection kits are analyzed and recorded within a reasonable time.

“In taking a victim-centered approach to addressing sexual assault crimes in the community and focusing on victim support services, this measure requires all law enforcement agencies and departments in charge of maintenance, storage and preservation of sexual assault evidence collection kits to conduct an inventory of all stored kits, and also requires the Department of the Attorney General to report the number of untested sexual assault evidence collection kits to the Legislature. This measure requires that this inventory and work be undertaken with more deliberate speed than law enforcement agencies have been able to achieve in the past.

“This measure also appropriates \$500,000 to the Department of the Attorney General to initiate the testing of at least 500 untested kits to ensure that sexual assault evidence collection kits are analyzed, and that the results are entered into the FBI Combined Index System and for associated victim support services.

“For the above reasons, I urge my colleagues to support this measure.”

Senator Baker requested that remarks in strong support of the measure be entered into the Journal, and the Chair so ordered.

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

“Mr. President, I rise in strong support of H.B. 1907, C.D. 1, Relating to Sexual Assault.

“The purpose of this measure is to create a comprehensive strategy to inventory and subsequently reduce the number of untested sexual assault evidence collection kits currently being stored by each county, law enforcement agency, and department. Each of these entities will be required to submit a report to the Department of the Attorney General, which would in turn issue a comprehensive report to the Legislature detailing the total number of untested kits and the date of their initial collection, as well as outlining the processes by which kits will be prioritized, tested, and inventoried going forward. The bill further appropriates funds to facilitate the testing of at least 500 additional kits.

“The Hawai’i State Commission on the Status of Women noted in their testimony that 9 out of 10 men who commit sexual assaults on college campuses are serial rapists with multiple victims, and that 8 percent of university men commit the majority of college sexual assaults. Given these staggeringly prolific statistics regarding repeat offenders, it is evident that a more comprehensive system of kit prioritization and testing is vital to preventing assaults that occur as part of a serial pattern as well as testing older DNA samples to identify commonalities.

“The lack of coherent structure and timely testing of sexual assault evidence collection kits is a serious miscarriage of justice for the victims of these violent crimes. Failure to test kits results in fewer prosecutions and more cold cases in which victims are denied closure. Streamlining the inventory and testing system while establishing a reliable standard for testing going forward are of paramount importance in preventing future assaults, and this bill offers the opportunity for a much-needed systemic reevaluation of testing procedures.

“Colleagues, please stand with me in strong support of H.B. 1907, C.D. 1 so that we may make Hawai’i a safer, more just and responsible environment for all.”

Senator Nishihara requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

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

“Senate President and colleagues, I rise in support of H.B. 1907.

“This bill will finally address the growing concern from the public about the large number of untested sexual assault evidence collection kits. The victims of sexual assault have long been waiting to see justice being done, as well as people who have been wrongly convicted of sexual assault and the tested evidence showing otherwise. This bill provides \$500,000 to the Department of the Attorney General to initiate the testing of at least 500 untested kits in accordance with specified criteria, report the results to the FBI Combined DNA Index System as well as provide support services to the victims affected by the testing. It further calls for the law enforcement agencies and department for the sexual assault evidence collection kits to conduct an inventory of all kits and submit a report to the Department of the Attorney General by September 1, 2016. All of the untested kits have to be completed by July 1, 2018. I ask that you support this worthy bill.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 98-16 was adopted and H.B. No. 1907, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 105-16 (H.B. No. 1814, H.D. 1, S.D. 1, C.D. 1):

Senator Kidani moved that Conf. Com. Rep. No. 105-16 be adopted and H.B. No. 1814, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Galuteria.

Senator Kidani requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Kidani's remarks read as follows:

"Mr. President, I rise in strong support.

"H.B. 1814 provides \$360,000 funding for one position as well as training in the matter of student restraint and/or seclusion as well as data tracking. This is a follow-up to our action in 2014 when we passed Act 206 to address incidents of improper conduct such as those that drew media attention at various public schools around the state:

- Kipapa Elementary (court found that several autistic children were physically and emotionally abused by staff)
- Hawaii School for the Deaf & Blind (two employees removed due to allegations of misconduct and allegations of years of sexual assaults and misconduct by students against other students at the school)
- Kailua High School (autistic student forced to run on treadmill collapsed into unconsciousness)"

Senator Slom spoke in opposition to the measure as follows:

"I'm in opposition to the bill because it creates a new special fund. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 105-16 was adopted and H.B. No. 1814, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 106-16 (H.B. No. 2267, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Kidani, seconded by Senator Wakai and carried, Conf. Com. Rep. No. 106-16 was adopted and H.B. No. 2267, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY IN SCHOOLS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 110-16 (S.B. No. 2076, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 110-16 was adopted and S.B. No. 2076, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ruderman).

Conf. Com. Rep. No. 133-16 (H.B. No. 2037, H.D. 1, S.D. 2, C.D. 1):

Senator Gabbard moved that Conf. Com. Rep. No. 133-16 be adopted and H.B. No. 2037, H.D. 1, S.D. 2, C.D. 1, having been

read throughout, pass Final Reading, seconded by Senator English.

Senator English rose to speak in support of the measure as follows:

"Members, I hope that with this funding and the additional funding that they will get that we'll have an excellent congress at the end of August, beginning of September, where many of the people involved in this subject matter will come from all over the world, and Hawai'i can be well-showcased. Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 133-16 was adopted and H.B. No. 2037, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WORLD CONSERVATION CONGRESS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Ruderman).

Conf. Com. Rep. No. 150-16 (S.B. No. 3102, S.D. 1, H.D. 1, C.D. 1):

Senator Kim moved that Conf. Com. Rep. No. 150-16 be adopted and S.B. No. 3102, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Keith-Agaran.

Senator Slom spoke in opposition to the measure as follows:

"Mr. President, in opposition: It creates the new high-growth special fund. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 150-16 was adopted and S.B. No. 3102, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Taniguchi).

Conf. Com. Rep. No. 156-16 (S.B. No. 2618, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Inouye, seconded by Senator English and carried, Conf. Com. Rep. No. 156-16 was adopted and S.B. No. 2618, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Conf. Com. Rep. No. 159-16 (H.B. No. 2049, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Inouye, seconded by Senator Nishihara and carried, Conf. Com. Rep. No. 159-16 was adopted and H.B. No. 2049, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Ihara). Noes, none. Excused, 1 (Taniguchi).

Conf. Com. Rep. No. 162-16 (H.B. No. 2722, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Keith-Agaran, seconded by Senator Tokuda and carried, Conf. Com. Rep. No. 162-16 was adopted and H.B. No. 2722, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT," having

been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Thielen). Excused, 1 (Taniguchi).

RECONSIDERATION OF ACTION TAKEN

S.B. No. 2647, S.D. 1 (H.D. 2):

Senator Gabbard moved that the Senate reconsider its action taken on April 14, 2016, in disagreeing to the amendments proposed by the House to S.B. No. 2647, S.D. 1, seconded by Senator Green and carried.

In accordance with the Conference Committee Procedures agreed up on by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2647, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 2 (Gabbard, Keith-Agaran). Noes, none. Excused, 1 (Galuteria).

Senator Gabbard then moved that the Senate agree to the amendments proposed by the House to S.B. No. 2647, S.D. 1, seconded by Senator Green.

Senator Gabbard noted:

“Mr. President, the Senate agrees with the House amendments to S.B. 2647, H.D. 2 because their changes address additional concerns raised by stakeholders, such as inheritance, and also making it more consistent with federal law. The primary objective with this version is to stem the illegal wildlife trade while having the least amount of impact on law-abiding Hawai‘i residents. At its core, this bill is intended to allow coordination between DLNR and U.S. Fish and Wildlife in enforcement of the illegal wildlife trade. The bill also makes it clear that it’s illegal to sell wildlife parts and products of endangered species trafficked through Hawai‘i. As you know, Hawai‘i is the endangered species capital of the world, so it’s a grave responsibility that we do our part. The passage of this bill in no way impacts the possession of ivory by the many Hawai‘i families who own these items. Please join me in supporting this historic legislation.”

Senator English rose and stated:

“Mr. President, I stand in...what do you call it? Tepid support? This has many aspects to it, but the aspect that troubles me the most is for the Pacific Islanders because, in looking at the record and what people have done on this....”

The Chair interjected:

“We’re going to vote on the motion to agree.”

Senator English replied:

“Sorry. Excuse me.”

The motion to agree to the amendments proposed by the House to S.B. No. 2647, S.D. 1 was put by the Chair and carried.

The Chair then announced:

“If there are no objections from the members, we will move immediately to Final Reading of this measure.”

FINAL READING

S.B. No. 2647, S.D. 1, H.D. 2:

Senator Gabbard moved that S.B. No. 2647, S.D. 1, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator Green.

Senator English rose to speak in support of the measure with reservations as follows:

“Thank you, Mr. President; now I’m under the right section. Members, I just want to point out and put on the record that this measure failed to protect the interests of Pacific Islanders who live in Hawai‘i, and I looked at the record carefully. People were talking about bringing it in, but we have many Samoan families, Tongan families, other Pacific Islanders who have to use whale’s tooth and have to use boar’s tusk and other things in ceremonies – in very, very important ceremonies – for their cultural practices, not just Native Hawaiians. And I think that we forgot about this. In looking at the record, people got, maybe, thrown off by looking at the importation of these items, but there are many of these items here now.

“I can give you one example of the use in Polynesian society: whale’s tooth. You know, if something very bad happens between families, one of the only ways that this can be settled is by the presentation of a whale’s tooth from one family to the other to end that dispute, and I mean ‘end it,’ because the other family cannot refuse accepting the whale’s tooth and cannot refuse ending the dispute. Now, we have taken away a traditional form of justice here, and through this, we’re not allowing our Pacific Islanders to practice this aspect of their culture.

“So, I have very tepid support of this. I’ll support it; I’ll vote ‘yes with reservations,’ and my reservations are that we have failed to protect the interests of Pacific Islanders, and it is on the person’s shoulder behind me. Thank you, Mr. President.”

Senator Kahele rose to speak in strong support of the measure as follows:

“Colleagues, my dad loved the ocean and the ‘āina. Through the course of his life, he passed that love onto me. He taught me that as Hawaiians, first and foremost, our jobs were to ensure that our lands and our seas were momona – they were abundant and they were fertile. When resources were scarce, we placed kapu, or regulations, upon them so they could replenish. This is how Hawaiians kept our islands sustainable for thousands of years.

“It saddens me that we have become the endangered species capital of the world. It saddens me that we will never again be able to make ‘ahu ‘ula or mahiole, like those that just came home to us from Aotearoa that were once worn by Kalani‘ōpu‘u, who was an ali‘i of Hawai‘i island. It took 20,000 birds to make those items – from species from the mamo and ‘ō‘ō, which are now extinct – resources once momona, now gone forever.

“When I think about this bill, I think about my children and my colleagues’ children and, in particular, my three girls and, specifically, my two-year-old daughter, ‘Iolana. The other day, we were at home and she was playing with her magnetic animals that are stuck on the refrigerator. And although she can’t quite speak yet, she grabs one off the fridge; she runs up to me; she tells me all about it in her own little words, waves it in the air. And when I looked at what she was holding, I noticed, to my surprise, it was the elephant. And in that brief moment, I thought about the children of the world and wondered would there ever come a day when there were no more elephants on the Earth, and all that remained of them were pictures and toys and magnetic cutouts like this [*holds up elephant magnet*].

“Now, don’t get me wrong: I am a Pacific Islander; I am a Native Hawaiian, and I have the utmost respect for cultural practices, family heirlooms, items passed down from generation to generation, and items legally purchased over one’s lifetime. But this bill is bigger than just the handles on firearms or personal jewelry or knives or shells of art on a wall, but the absolute extinction of a species – the extinction of one of the

large last great mammals left on the planet. You know, at one time, 350 species of elephants existed. Today, there are only two left: the Asian and the African elephant. In 1930, over 10 million roamed the Earth. Today, 600,000 remain, and with an estimated 97 being slaughtered per day for their ivory, in less than 20 years, the great elephants will be gone.

“You know, my dad fought hard his entire life to leave this world better for me. How can I not do the same for my three daughters? All of Hawai‘i’s children deserve to live in a world enriched by elephants, tigers, sea turtles, monk seals, whales, and the many critical endangered species protected by this bill. On Sunday, in the local Hilo paper, I was shocked to see this photo [*holds up newspaper*], which I am sure many of you saw, as well as millions worldwide. Last Saturday, Kenya burned over 105 tons of elephant ivory and rhino horn, which represented 8,000 elephants and 343 rhinos, with an estimated value of \$172 million. Kenya did this so the world would understand that you could not put a price tag on their living species. It was a call to ban the wildlife trade. How do we not answer that call today?”

“Colleagues, we always say, ‘Think global, but act local.’ This bill is our chance to do so. I want to especially thank Mr. President, Senator Gabbard, and Senator Keith-Agaran, who I know worked so hard to make sure this bill fit for our local community. Many times, outside interests come to our islands – they come to Hawai‘i – and push for measures that don’t think enough about their impacts on our local residents. This bill has been a wonderful example of how Hawai‘i can do something of global importance, but do so in a truly Hawaiian way, with consideration for our local stakeholders and our local community. Senate Bill 2647 is a truly environmental bill. Colleagues, this is real conservation leadership, and Mr. President, through your guidance and leadership, this has become a wonderful measure. Thank you for giving us this opportunity to be on the right side of history. Mahalo.”

Senator Ruderman rose to speak in support of the measure as follows:

“I shared some of the concerns that have been expressed about people not being able to sell items of value, but I would note that anyone in that position has a year to do so, if they choose to sell it. If we’re talking about family heirlooms, I don’t understand why we would want to sell them. And I understand the concerns of the senator from Maui who talked about traditional gift-giving, and I don’t believe this measure would interfere with that. If it does, then we need to come back and correct that. But these kinds of concerns do not rise to the level of the need to protect an important endangered species. Hawai‘i plays a large role in the ivory trade and, with this bill, we can play an important role in protecting the elephants and putting an end to the ivory trade. Thank you.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2647, S.D. 1, and S.B. No. 2647, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO NATURAL RESOURCES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Baker, English, Slom, Taniguchi). Noes, none.

ADJOURNMENT

At 12:56 p.m., on motion by Senator Green, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Thursday, May 5, 2016.

ATTACHMENT A



VOTE YES ON HB 1072

Enough LIES about the MSCP used as a Distraction Tactic:
Here is the content of the training of a Prescribing Psychologist:

THE TRUTH ABOUT MSCP TRAINING

The MSCP degree is 2.5 to 3 years, there is no short-cutting it, and it can only be obtained after licensure as a clinical psychologist. The opposition is distorting the facts. It is NOT a crash course. MSCP programs conform to the recommended curriculum of the American Psychological Association and contain 495 credit hours of didactic training plus a minimum of 400 patient hours in clinical practicum training under the supervision of a psychiatrist or an APRN-Rx with psychiatric specialty. That equals a minimum of 895 core training hours in addition to the 2500-3000 hours of individual study, preparation of patient records and SOAP notes (the type of medical record preparations that all prescribers are required to write), extensive written monographs on medical topics, case analysis and presentation and participation in weekly meetings.

The specific courses are outlined below and represent the curriculum that was developed through input from medical doctors, pharmacologists, nurses and psychologists in order to train psychologists who will only prescribe a limited number of medications and for only mental health disorders NOT physical health disorders.

- I. Basic Science
 - A. Anatomy & Physiology
 - B. Biochemistry
- II. Neurosciences
 - A. Neuroanatomy
 - B. Neurophysiology
 - C. Neurochemistry
- III. Physical Assessment and Laboratory Exams
 - A. Physical Assessment
 - B. Laboratory and Radiological Assessment
 - C. Medical Terminology and Documentation

*Supervised clinical experience or lab experience in conducting physical exam, ordering psychometric and laboratory tests, understanding results and interpretation
- IV. Clinical Medicine and Pathophysiology
 - A. Pathophysiology with particular emphasis on cardiac, renal, hepatic, neurologic, gastrointestinal, hematologic, dermatologic and endocrine systems.

partner in medical settings. Medical professionals in other states have come to know that working alongside prescribing psychologists, who in addition have excellent assessment competencies, help to better inform medical decision-making. One of the main advantages of the Prescribing psychologist visit is that it lasts 55-60 minutes long and occurs more frequently than medical visits. The increased time allows for enhanced assessment of the patient's condition and a stronger therapeutic relationship.

Additionally, psychologists can use their expertise in psychological/neuropsychological testing to increase diagnostic accuracy. The Psychiatrists, PCP's and other medical specialists who work with prescribing psychologists understand that this increased contact/assessment as well as the expertise in psychopharmacology empowers effective and safer prescribing. Unfortunately the realities of managed care and the common practice (10 minute consultation) by psychiatrists and PCP's (who are not trained in psychiatric care) have degraded safety and accurate prescribing. In contrast, the nature of the psychologist visit (55 minutes) allows for review of side effects, coordinating assessment (lab/psych testing), discussion around building a relationship with the medication, building rapport, and utilizing cognitive and behavioral strategies to improve the psychiatric conditions and that may allow medication to be reduced or avoided.

SAFETY: A REAL SOLUTION TO SAVE REAL LIVES

Highly trained expert Prescribing Psychologists have written over a million prescriptions safely to include children/adolescents, elders, medically compromised, pregnant women, and the severely mentally ill, over several decades. The New Mexico Board of Psychology and Louisiana State Board of Medical Examiners have indicated no legal claims or even complaints have been made regarding a Prescribing Psychologist. The Hawai'i state legislature has wisely taken the time to review this evidence to see that claims of 'unsafe practices' by the opposition are unfounded. In their careful review, no safety issues were discovered and therefore there is no legitimacy on this claim of unsafe prescribing by advanced trained prescribing psychologists. Moreover, as a result of this exemplary safety record Prescribing Psychologists today can take advantage of low rates with liability insurance companies whom have surely also reviewed the safety data.

Advanced practice expert Prescribing Psychologists continue to prove to be safe and essential partners in modern medical practice. Thousands of lives have been impacted in a benevolent way thanks to these pioneering psychologists who have gone the extra mile and made their own sacrifices only to provide better care for their patients and be an enhanced partner to their medical colleagues.

Psychologists are already safely prescribing in Louisiana, New Mexico, Illinois, three branches of the military, the Indian Health Service and Public Health Service. It is a fact that a large amount of prescriptions have been written by psychologists over the last 30 years and zero complaints were filed. The oppositions' claim to hazardous prescribing by psychologists is illegitimate and unfounded. No evidence, just scare tactics. Don't succumb to the fear motivated by money when people are really disabled, diseased and dying because they don't have access to care.

ATTACHMENT A

A TRICKLE DOWN POSITIVE IMPACT

HB1072 will support those on the frontline of mental health including law enforcement, emergency services, fire/paramedics, community health clinics, businesses and families by providing medically trained Prescribing Psychologists to help alleviate the overwhelming distress seen in the trenches of the community. There are too many people not getting needed medication because of lack of access to care. Passage of this bill will increase contact to qualified mental health psychologist prescribers desperately needed in Hawai'i.

Hawai'i legislators are wise to include mandated collaboration between the medically trained advanced practice psychologists and primary care physicians in the bill. This edict in the law will promote a higher quality of care that Prescribing Psychologists and PCP's desire and Hawai'i deserves. It will set a standard that other medical professionals may want to emulate.

ENOUGH WITH THE TURF WAR

The medical training in the MSCP program provides a competency-based model of learning and assessment in preparation for prescriptive authority. Prescribing Psychologists must pass a nationally based certified exam in clinical psychopharmacology comparable to the American Board Exam in Psychiatry and Neurology. Prescribing Psychologists often make recommendations to reduce dosages, stop medication or use non-pharmacological approaches before introducing a pill. Recommending specific medications and dosages in collaboration serves as an excellent opportunity for us to share clinical information from multiple/comprehensive perspectives.

Prescribing Psychologists are trained in the pharmacokinetic and pharmacodynamics of these drugs the treatment of psychological disorders. They are aware of when to use medication and not or when to combine treatments. Prescribing psychologists use an integrative multidimensional analyses of behavior and multimodal treatment approach Psychology (behavior, cognition, affect) – Biology (genetic, age, sex, race, health/disease) –Social (family, gender, cultural, economic, environment). When writing prescriptions, prescribing psychologists consider large meta-analytic outcome studies, treatment algorithms, expert consensus, and clinical experience. Prescribing Psychologists are trained in both the medical and biopsychosocial models of diagnosis and treatment.

OVERWHELMING GRASS ROOTS COMMUNITY SUPPORT

There are over 1,000 signatures on the petition for House Bill 1072. Our communities, our businesses, our ohana want and need this bill to pass this year, so we can start improving the lives of those who are suffering.

Endorsements in Strong Support:

Hawai'i State Department of Health
 Hawai'i State Board of Psychology/DCCA
 Hawai'i Catholic Conference
 Mayor Alan Arakawa (Maui)
 Prosecuting Attorney, Mitchell Roth (Hawai'i island)
 Mental Health America of Hawai'i
 National Association of Social Workers- Hawaii Chapter
 Hawai'i State Center for Nursing
 Lāna'i Community Health Center
 Hana Health
 Big Island Substance Abuse Council
 West Maui Taxpayers Association
 Na Pu'uwai Native Hawaiian Health Clinic-Moloka'i
 Moloka'i Community Health Center
 Ho'ola Lāhui (Kaua'i)
 PHOCUSED
 HMSA
 Plus, numerous other individual community members, business owners, and health providers across multiple disciplines to include physicians, nurse practitioners, psychologists, prescribing psychologists, LCSW's and LMFT's. Most importantly mental health consumers, who have been adequately informed and not lied to about the bill, WANT THIS BILL PASSED.

THE SPIRIT OF ALOHA


We are inspired by the principle meanings of 'aloha' using the origin of this Hawaiian value as a philosophy to help people heal, grow, and succeed in their lives. We believe in the 'aloha spirit' and that it can embolden patients and practitioners to create human experiences that are powerful/effective for mind/body success.

DO THE RIGHT THING AND VOTE YES ON HOUSE BILL 1072

www.rxpHawaii.com

ATTACHMENT A

ALAN M. ARAKAWA
MAYOR



KEITH A. REGAN
MANAGING DIRECTOR

OFFICE OF THE MAYOR
Ke'ene O Ka Meia
COUNTY OF MAUI - Kalana O Maui

TESTIMONY OF ALAN ARAKAWA, MAYOR
COUNTY OF MAUI

BEFORE THE SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND HEALTH
and
THE SENATE COMMITTEE ON JUDICIARY AND LABOR

Wednesday, February 24, 2016
9:00 a.m. - Conference Room 229

HB 1072, HD1, RELATING TO PRESCRIPTIVE AUTHORITY FOR CERTAIN PSYCHOLOGISTS

Honorable Rosalyn H. Baker, Chair
Honorable Michelle N. Kidani, Vice Chair
Honorable Gilbert S.C. Keith-Agaran, Chair
Honorable Maile S.L. Shimabukuro, Vice Chair

Thank you for this opportunity to testify in **SUPPORT of HB 1072, HD1.**

The purpose of this Act is to authorize the board of psychology to issue certificates of prescriptive authority to medical psychologists who meet certain education, training, and registration requirements.

As mayor of Maui County I support this bill for the following reasons:

1. In Maui County, like the rest of our state, many of our residents suffer from mental health issues. This includes children and elderly who suffer from depression and other mental health problems but are not being treated.
2. There is an insufficient amount of prescribing mental health care providers available to serve the needs of the people in Maui County. It is my understanding that Maui Memorial Medical Center, Molokini unit for children and adolescents, closed due to a shortage of providers.
3. In order to be a medical psychologist, an individual will be required to have specialized training, pass a national proficiency examination, and hold a current certificate of prescriptive authority issued by the board.

For these reasons I **support HB 1072, HD1.**

200 South High Street, Wailuku, Hawaii 96793-2155 Telephone (808) 270-7855 Fax (808) 270-7870 e-mail: mayors.office@mauicounty.gov

Lack Of Access To Psychiatric Care Allows Suffering, Costs Lives

A bipolar disorder patient who has experienced the realities of mental health care access on a neighbor island argues that highly trained psychologists should be allowed to prescribe certain meds.

APRIL 22, 2016 · By Don Lane

My name is Don Lane. I am a mental health advocate and consumer of mental health services. I have been diagnosed with bipolar disorder and have been coping with symptoms for over 20 years.

"My worst days in recovery, are better than the best days in relapse." This is a quote by Kate Le Page that reminds me of my intense struggle to get much needed mental health services on Maui. The ongoing lack of services in Hawaii allows the suffering of individuals who otherwise could further their own recovery. These people are my peers, and they are dying.

I didn't realize the necessity for more psychiatrists in Hawaii until I spiraled into a state of psychosis. I was hospitalized, released and set on the seemingly simple task of finding a Maui psychiatrist to continue my medication management plan.

With a growing shortage of psychiatrists, too many mentally ill people in Hawaii don't receive care or medicine. Individuals with serious mental health issues represent about 22 percent of the state homeless population.

I did everything I could not to drift away helplessly into space. I asked my then girlfriend to chain me to the ground as I placed a couch on my chest. In my psychosis, the sun caused my skin to melt and I could only communicate via cryptic words written on a notepad. Although this sounds like an excerpt from a science fiction novel, to me this was reality, and my

ATTACHMENT A

mind was shutting down.

I remember glimpses of feet passing by as we walked toward the hospital on Oahu. After being admitted, I was given medication that helped correct my distorted reality, delusions and hallucinations. I was released a week later and told to contact a psychiatrist to refill my prescriptions.

Once back home on Maui, I attempted to contact several psychiatrists. Those who returned my call explained they would not be able to see me for two to three months. I ended up in the emergency room at Maui Medical Center twice to refill medications, still desperately trying to schedule an appointment with a psychiatrist.

The second time I went to the ER, the medical doctor on staff refused to write a prescription. I was told the hospital was not a pharmacy and that I was not trying hard enough to get an appointment with a psychiatrist.

My anxiety was building again, dangerously close to the beginning stages of psychosis.

I frantically called Mental Health America, Maui County. Their executive director raced down to the hospital to advocate for me.

What about the hundreds if not thousands of others in our community who do not have such a support base? Should they be dismissively allowed to relapse again to suffer, and in extreme cases, possibly commit suicide?

Later, I learned about a bill that would allow trained psychologists to prescribe a narrow formulary of psychotropic medications. I educated myself and became a strong advocate for [House Bill 1072](#). I have given testimony in person three times over two sessions and continue to meet with state senators and representatives to ask why the bill has not been passed into law.

Doing nothing allows the continued distress of those suffering with mental illness. This bill would greatly alleviate the lack of access to care and save lives in Hawaii.

Community Voices aims to encourage broad discussion on many topics of community interest. It's kind of a cross between Letters to the Editor and

op-eds. This is your space to talk about important issues or interesting people who are making a difference in our world. Columns generally run about 800 words (yes, they can be shorter or longer) and we need a photo of the author and a bio. We welcome video commentary and other multimedia formats. Send to news@civilbeat.com

□

Don Lane is a Maui resident. He suffers from bipolar disorder with psychotic features. He is a filmmaker, photographer and mental health advocate. He works as a media specialist for the nonprofit Mental Health Kokua. □Use the RSS feed to subscribe to Don Lane's posts today



ATTACHMENT A

Dear Members of the Hawai'i State Legislature:

I'd like to share my son Adam's story with you and ask you please pass HB 1072. I rarely write letters to anyone, but for the sake of my son's life, I will. My son Adam was such a playful person growing up, everyone loved hanging around him, because he was the type that you would call a low maintenance personality. Family, close friends, exercise, intelligence and fun and food was his passions, little did he know how handsome and loving he really was. Growing up Adam became an avid athlete; All American Football Player, State Champion Wrestler, State Discus Champion, National Judo Champion etc. He experienced all the emotions of triumphs and defeats that came with being an all-star athlete and received a football scholarship to attend a Junior College in Tennessee.

I was doing well, a full time job, by the grace of God; I also owned my own apartment by the time son was 12, all as a single Mom. After 2 years in TN and by the age of 19 all his local born friends had left that Tennessee school and returned home to Hawaii. Shortly after, there were odd signs of relational problems within his environment. I had no clue the exact turmoil that he was going through until he actually flew back home to Hawaii on an emergency return in 2010. He appeared his soul was gone.

A few weeks after he was admitted to the psyche ward at Queens Hospital for almost 2 months. The document reports from Tennessee Officials indicated he had been molested by 3 men that were part of the football team and had suffered internally bleeding. Prior complaints of hazing were made but nothing was done. A close friend, who's was an attorney helped me pursue suing the school. The school closed within a 4 months after Adam's incident. Adam was diagnosed with paranoid schizophrenia at the age of 20. Since then I have seen him place a water bottle into a sink full of water to ensure there were no leaks believing someone is trying to kill him, to harming himself so badly, he had to hospitalized involuntary and this eventually became a pattern of our lives. We'd rarely sleep. He's threatened to kill at least 100 times including myself, because of his anger of no one understanding. These things we don't talk about.

With all due respect Senators, I would dare to assume you would have an inclining of how this experiences feels with your own child that you Love and bore. Today my son has withdrawn from society, complete isolation, self-harm, oppression, poor self-care, no trust with anyone, the endless hell list of what the mental health professional's call "decomposing". 99% of the time, he barricades himself in 10x10 room all day and all night out of fear, it has been this way for about 3 years now. I'm his care taker and there are no other support from family members anymore to help, not even his unaccountable Father.


In 6 years now, I have lost 2 jobs, my home proceeds to be foreclosed; I've endured multiple health problems from the overwhelming stress including depression. Hopelessness is common because the struggles one has to go through to obtain proper care in the State of Hawaii for a mentally ill love one. I believe my son is entitled to have an optimum dignified life despite this chemical imbalance and the right key to a support system!

My biggest struggle from my experience is the extreme lack of psychiatrist follow up. From my experience, he allowed to see the psychiatrist (Dr. P.) once a month period, for about 5 minutes or less. If the medication prescribed messed up his thoughts and the severe side effects it came with, the only option was to call 911 and wait for the next monthly 5 min or less appointment!!!! If my son had gotten more brain damage from the adjustment in meds or out of meds, I had to call 911 and wait for the next monthly appointment!!! Obviously my son could not advocate for himself, he was very sick and every month the same result, just do the same thing on the next monthly appointment!!! Dr. P has no contact except through a case management office. Of course Dr. P's hours for contact in the office are 4-5 and obviously during that time he would be with a patient!!! Now let's see 5 mins a month, how well can you get to know a person who doesn't talk much like my son!! Let alone prescribe some antipsychotic meds the affect the brain. What a joke!!! Hallelujah it's the psychologist that comes to the rescue, "what's going on" if this happens these are options and of what you can do "can he come in to see me?" The line is much thinner between life and death for someone with a mental illness. My son has been seeing a psychologist for about 5 months. If not for this psychologist my son wouldn't

have a chance in life. He finally has a connection with a person he sees weekly. The therapy of healing through Adam's daily life of suffering has given me a new light in life. You can't even imagine how many times I've called 911 because he's been out of meds from the psyche Dr.!!!! And each and every time, a part of my soul dies. A week ago I begged the psychiatrist to hand over managing the meds to his psychologist, they said no. Now it is your turn to burn this in your mind and seeing it happening to your son, your daughter or your family member; how it would affect your life, your home, your heart...

Sincerely,
Dene' DeCambra

ATTACHMENT A



NATIONAL REGISTER
OF HEALTH SERVICE PSYCHOLOGISTS

1200 New York Ave. NW, Ste 800
Washington, DC 20005
NATIONALREGISTER.ORG
P. 202.783.7663
F. 202.347.0550

28 March 2016

RE: HOUSE BILL 1072: Accurate Information regarding the Department of Defense Data

Dear Honorable Hawaii State Legislators:

It is my honor and pleasure to submit a letter in strong support of **House Bill 1072** to grant prescriptive authority to specially trained psychologists. In addition to offering my strong support for this proposal I would like to take this opportunity to provide information to the Committee on the history and progress of prescriptive authority for specially trained psychologists.

I was a prescribing psychologist in the US military from 1994-2008. I was one of the first participants in the Department of Defense's Psychopharmacology Demonstration Project. You may have heard that the DoD's demonstration project was a "failed" project. **This is not true.** The demonstration project ran from 1991-1998, and in 1999 the GAO published a report that concluded that the demonstration project met its goals and trained psychologists to safely and effectively prescribe. The project, then, did not end because it was a failure. It ended because of opposition from organized psychiatry, whose representatives were able to have language included in the defense appropriations bill for 1998 prohibiting further funding of the project. As the project was designed as a time limited demonstration project, it trained only a few psychologists per year, therefore, the GAO was accurate in assessing that this small number could, by themselves, improve access. Some have criticized the cost of the project, but I would respond that over 50% of the cost involved not training but contracting an external evaluation entity. Finally, and perhaps most importantly, it is important to recall that this was a demonstration project that ended almost 20 years ago. Since then many psychologists in three states, the military, and Public Health Service have all continued to be trained and practice safely and effectively. After the end of the demonstration project, psychologists received training in both military postdoctoral fellowships and the civilian sector and now, the Army, Navy and Air Force all credential prescribing psychologists.

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501C3 NONPROFIT ORGANIZATION, INCORPORATED IN 1974

RE: House Bill 1072

I prescribed in a variety of settings from the time of my graduation until my retirement from the military on 1 January 2008. I and my military colleagues prescribed safely and effectively. There was never any instance of an adverse patient outcome due to a prescribing psychologist practicing outside the standard of care. Our experience reflected that of every other non-physician healthcare provider group that has expanded its scope of practice to include prescriptive authority. When groups such as podiatrists, optometrists, or nurses expanded their scope of practice to include prescriptive authority, many concerns were raised about potential threats to patient safety. None of these potential threats materialized.

In the US military, the medical departments of all three branches have incorporated specific provisions enabling appropriately trained psychologists to prescribe. Prescribing psychologists in the US military have now been joined by prescribing psychologists in the Public Health Service, including the Indian Health Service, and the states of Louisiana, Illinois, and New Mexico. All of these psychologists have now accrued over 20 years of history of safe prescribing. Remarkably, I am unaware of a single incident in which a psychologist has not been found to be practicing entirely within acceptable standards of care. Simply put, the long history of psychologists prescribing safely and effectively **can no longer be disputed.**

As one who has been extensively involved in devising curricula and regulations for prescribing psychologists, and as former dean of a school that has provided post-doctoral training in psychopharmacology to over 450 psychologists, I remain convinced that allowing psychologists to incorporate this skill will result in demonstrable benefit to Hawaiians seeking mental health services. The data are clear that for most mental disorders, a combination of psychotherapy and medication is the optimum treatment in instances where medication is a required component of the treatment plan. Psychologists, with their extensive training in non-pharmacological interventions as well as specialty training in psychopharmacology, are simply put the best-equipped profession to:

1. Save short-term costs by determining when or if medication needs to be added to the treatment plan.
2. Improve patient outcomes by judiciously combining pharmacological and psychological interventions.
3. Improve patient satisfaction by providing patients with a range of treatment options.
4. Improve long-term outcomes and reduce long-term costs by providing effective combined treatment.

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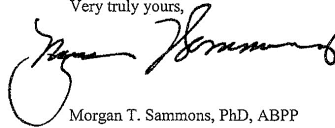
ATTACHMENT A

RE: House Bill 1072

5. Improve patient safety by mandated collaboration and communication with a patient's primary care provider, thus reducing risks associated with polypharmacy and the lack of communication that currently exists among multiple prescribing providers.
6. This authority will allow specially trained psychologists, who spend typically 45 to 60 minutes with their patients weekly in psychotherapeutic treatment, to be in the best position to monitor and taper patients off medications as they progress in psychotherapy.

I would be happy to answer any questions that you might have, and can be reached by cell phone at 415-216-5477 or via email at morgan@nationalregister.org.

Very truly yours,



Morgan T. Sammons, PhD, ABPP
 CAPT, USN (ret)
 Executive Officer

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To: COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND HEALTH
 Senator Rosalyn H. Baker, Chair
 Senator Michelle N. Kidani, Vice Chair
COMMITTEE ON JUDICIARY AND LABOR
 Senator Gilbert S.C. Keith-Agaran, Chair
 Senator Maile S.L. Shimabukuro, Vice Chair

From: Dr. Kathleen Kozak

Re: TESTIMONY IN SUPPORT OF HB 1072, HD 1
 RELATING TO PRESCRIPTIVE AUTHORITY FOR CERTAIN PSYCHOLOGISTS

I wish to submit this testimony in strong support of authority for properly trained clinical psychologists to prescribe medications used to treat conditions within their field of expertise.

As a medical doctor, I have full prescribing privileges to prescribe medication yet have far less training in the field of psychopharmacology than what is proposed for the post-doctoral training program for psychologists. In fact, four weeks in medical school and four more in residency during a rotation is all of the training I have in psychopharmacology.

Psychologists have on average 7 years of training and the post doctorate program is 2 years of intense training in order to be able to prescribe medication.

The most effective management of many psychiatric conditions is a combination of therapy and medication and therefore to provide the opportunity for certain trained individuals to be able to provide both would increase the availability of mental health practitioners to see more patients, and thus increase access to care.

I also fully recognize that some MD's would not agree with this proposal, however, in the past few years, due to the shortage of primary care doctors, ancillary providers such as nurse practitioners and physician assistants have been given prescribing authority and that has not eroded the level of care provided by their specialties. It has actually improved access to care, and helped the entire profession.

Therefore, it only makes logical sense that with another area of medicine where access is limited, that efforts be taken to improve the standard of care by allowing fully trained and licensed professionals to be able to prescribe as well.

I support the aim of this initiative to provide a full range of mental health services to the most underserved and underserved communities in our state. Hawaii can be at the forefront of these efforts, joining the other states who have successfully implemented this program.

Thank you for your consideration.

Respectfully,

Dr. Kathleen Kozak
 Host of The Body Show on HPR-2
 Health Columnist for Civil Beat
 Internal Medicine
 Straub Clinic

ATTACHMENT A

02/22/2016

To Whom It May Concern:

I am writing today in continued support of HB 1072 that addresses the ongoing problem of shortage of psychiatric physicians and primary care physicians with training, time and resources to address the ever increasing psychiatric conditions in the community. I am a board certified family physician who served as medical director and physician at the Molokai Community Health Center on Molokai before moving to California. I still retain an active Hawaii license to practice medicine but currently practice with multiple psychologists, psychiatrists and psychiatric technicians serving the severely developmentally and intellectually disabled with underlying psychiatric disorders at the Sonoma Developmental Center in California. I see directly, on a daily basis, the absolute necessity for improved access to psychological care and medications for all persons particularly those living in the community outside of an institutionalized setting.

The overwhelming need for timely and consistent mental health services was abundantly clear to me while working on the island of Molokai. Although Molokai is considered isolated and tends to score low on access to health services across multiple domains the need for psychiatric care with medication management remains a large issue not only on Molokai but across all of Hawaii and ultimately across the entire United States. Medical models that have embraced the Patient Centered Medical Home and federally funded community health centers have worked to lessen this extreme gap by including behavioral health services as part of general services provided by a health center. This, however, is only a small step in the right direction as most health centers struggle to provide basic behavioral health services while necessary medical prescriptions are left to primary care physicians to provide. Frequently patients go without consistent and proper psychiatric medications all together. Further, while primary care physicians have training in psychiatric medications this is only a small part of their large scope of practice and physicians are often left prescribing complex and significant medications under time constraints with limited access to adequate psychiatric support systems.

HB 1072 seeks to offer some solutions to a complex problem. By allowing providers who not only have extensive training in behavioral health but also have obtained additional accredited training specific to management of behavioral medications to prescribe such medications we can begin to alleviate the problem of lack of access to psychiatric medicine management. This would also reduce the burden that intensive psychiatric medication management puts on primary care physicians and improve continuity of care between behavioral health and behavioral medication services. The requirement of physician oversight will help ensure that appropriate prescribing practices and general medical care is also being met. This, in fact, would seem to augment the ability of the current patient centered medical home model to truly and fully integrate behavioral health services into the health and well-being of all patients.

As a physician, I agree, that our health care system is in dire need of more psychiatrists and primary care physicians with expanded training in behavioral health. Currently, however, the amount of qualified available physicians is unable to keep pace with the need for behavioral health services in our



communities. Failing to address this serious issue will only lead to further disparities in health, increased health care costs and worsening psychosocial determinants not only for the affected patients but the communities in which they reside. I have practiced medicine in several different states and can attest that Hawaii is actually leading the way in terms of improved primary care, building effective community health centers and successful patient centered medical homes. I believe adoption of HB 1072 will be another collaborative and momentous decision that will improve the health status of the people of Hawaii and serve as an innovative model for the rest of the country.

Thank you for your consideration of this very important bill.


Sincerely,

Traci L Stevenson, D.O.
Traci.stevenson@sonoma.dds.ca.gov
trlymosher@yahoo.com

ATTACHMENT A

Please be a part of a solution to improve access to safe, effective, and comprehensive mental health care services in Hawai'i



Opponents to this bill have stated the same argument over and over but they have been wrong...

- They said that doctors of osteopathy couldn't prescribe, but they were wrong...
- They said that nurse practitioners couldn't prescribe, but they were wrong...
- They said that physician assistants couldn't prescribe, but they were wrong...

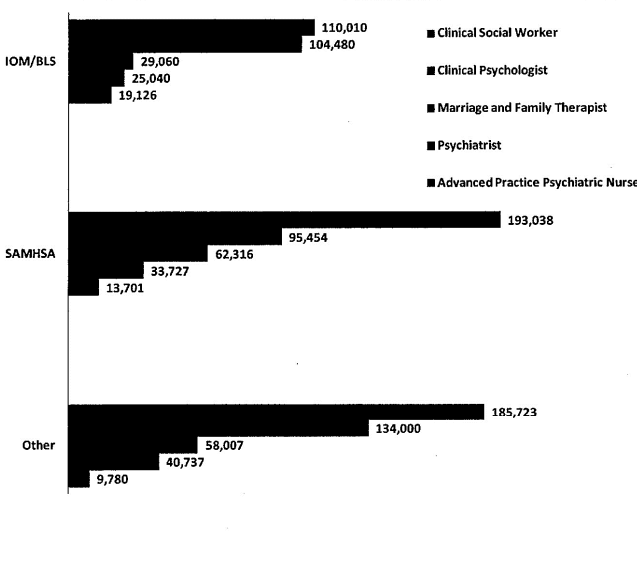
How much longer are we going to let the wrong dictate what is best for the mental health care of Hawai'i?

The MSCP training outlined in HB1072 is rigorous, safe, effective and **safe** for prescribing psychologists who will only treat mental health disorders from a limited formulary and not all physical and mental health disorders as psychiatrists and APRN's with prescriptive authority do, hence the difference in training hours.

The same training model as outlined in HB1072 has been proven in New Mexico and Louisiana where there are now 160 credentialed psychologists who have been prescribing since 2005 without any adverse incident reported.

Workforce size estimates place prescribing mental health providers as the least available across the nation

A viable solution to increase workforce capacity is to maximize a provider's ability to deliver comprehensive mental health services, including therapy AND psychotropic medication.



Category	Clinical Social Worker	Clinical Psychologist	Marriage and Family Therapist	Psychiatrist	Advanced Practice Psychiatric Nurse
IOM/BLS	110,010	104,480	29,060	25,040	19,126
SAMHSA	193,038	95,454	62,316	33,727	13,701
Other	185,723	134,000	58,007	40,737	9,780

Sources: CRS analysis of data from Institute of Medicine (IOM), *The Mental Health and Substance use Workforce for Older Adults: In Whose Hands?* (Washington, DC: National Academies Press, 2012), supplemented with more recent data from U.S. Department of Labor, Bureau of Labor Statistics, *Occupational Employment Statistics, May 2013 Occupation Profiles*, http://www.bls.gov/oes/current/oes_stru.htm; Substance Abuse and Mental Health Services Administration (SAMHSA), *Behavioral Health, United States, 2012*, Rockville, MD, 2013; and other sources (i.e., professional associations and licensing boards)

ATTACHMENT A

Improve Mental Health Care Access By Expanding Prescribing Authority

The Legislature should approve a bill that would grant specially trained psychologists limited authority to prescribe non-narcotics.

Civil Beat Editorial Board, Monday April 18, 2016

Being a state of islands in the middle of the Pacific Ocean carries with it many challenges, and a big one is ensuring access to critical health care services despite limited providers who are often concentrated in Honolulu.

Mental health patients face big obstacles in this regard, particularly those who require medication. The number of psychiatrists practicing in Hawaii has been declining for years. A 40 percent shortfall is projected by 2025, which will only increase the number of patients struggling to get the care and medication they need, especially on neighbor islands.

Fortunately, a solution — some 20 years in the making — is in the works: [House Bill 1072](#), which would extend limited prescribing authority to psychologists who have undergone an extensive program of education, training and certification.



Too many mentally ill patients fail to get the care and medication they need and become part of Hawaii's homeless crisis. HB 1072 would help to address many of their needs before they spiral out of control. Photo Credit: Alex Proimos/Flickr.com

Modeled after successfully implemented laws and policies in New Mexico, Louisiana, Illinois and the U.S. military, the legislation could make a significant difference in Hawaii. The lack of access to mental health services is a major contributor to our statewide homelessness crisis.

Some 1,690 homeless individuals — 22 percent of the statewide population — were identified with serious mental illness in 2015, and nearly 1,200 of them were unsheltered, according to Scott Morishige, the governor's coordinator on homelessness. Overall, Hawaii ranks last among all states in the percentage of adults with mental illness who receive treatment and in the bottom third for youth who are depressed or attempt suicide.

Allowing "medical psychologists" to play a role in addressing those numbers is an approach supported by a long and growing list of organizations and individuals, including the state Department of Health, the Mental Health Association of America, the National Association of Social Workers' Hawaii chapter and the Hawaii Association of Professional Nurses.

Indeed, the only serious opposition to the bill seems to come from the American Psychiatric Association and the Hawaii Medical Association, which have a direct financial interest in keeping even limited prescribing authority restricted solely to their members.

Testimony submitted in support of the bill is marked by comments like this:

"We need this option on rural Kauai, where adult psychiatrists are sorely needed," wrote clinical psychologist Judith White. Dr. Traci Stevenson, a family physician on Molokai, testified, "I see directly, on a daily basis, the absolute necessity for improved access to psychological care and medications for all persons, particularly those living in the community outside of an institutionalized setting."

"The mental health needs of individuals across our state continue to outweigh the capacity of our mental health system," wrote psychologist Jill Liveira Gray, Ph.D., who has worked in rural, medically underserved areas such as Hana, Molokai, Maui and, for the past seven years, Waimanalo.

Suffering Without Care, Medication

The Civil Beat Editorial Board met last week with proponents of the bill, including two individuals who have paid high prices for living on neighbor islands without reliable access to medication. Both diagnosed with bipolar disorder, they collectively endured scores of hospitalizations, in part because of running out of medication and having no access to a psychiatrist who could provide care or prescribe the medicine each needed.

"I was in psychosis and had to fly from Maui over to Oahu. ... I couldn't function," said Don Lane, who in that incident was admitted to Queens Medical Center. "While I was there, they put together this medication management plan for me, so when I left, all I had to do was get ahold of a psychiatrist to continue to prescribe or continue the medication management plan."

Back on Maui, he struggled for weeks to find a psychiatrist who would see him. He said many didn't return his calls; the best-case scenario with others was a two-month wait. "So my medication lapsed," said Lane, who ended up back in the emergency room twice before he could establish a doctor-patient relationship.

In recovery today and working for a mental health organization, he considers himself one of the lucky ones. "I had someone to advocate for me, but a lot of people don't have anyone to advocate for them."

"What I needed was someone who would listen to me and my whole story and also prescribe the right medication. This is not what I received."

Kiana Amoncio's journey into the mental health system began on the Big Island and has included 18 hospitalizations over six years. A former pre-veterinary student at the University of Hawaii Hilo and a leader in her church, her sudden descent transformed her into a tragic figure, sometimes wandering Hawaii's streets for weeks in psychosis as her mother frantically searched for her.

"What I needed was someone who would listen to me and my whole story and also prescribe the right medication. This is not what I received," Amoncio said. "What I did get was a psychiatrist, but many times a nurse practitioner who was just trying to get through their rounds."

"Some of them discharged me from the hospital with no medications, wrong medications or made me leave the hospital while I was still in a psychotic state and seriously could have hurt myself or others."

Amoncio and Lane are among many who could benefit from HB 1072. While providing additional authority for psychologists who complete a postdoctoral Masters of Science in Clinical Psychopharmacology, complete hundreds of clinical training hours under the supervision of a physician and pass a national licensing exam, it would also appropriately limit that authority.

Qualifying psychologists would have to work in partnership with a prescribing physician and would not be allowed to treat severe and persistent mental illness or treat patients under 17 with off-label drugs. They would further be limited to prescribing psychotropic drugs only — no narcotics.

Versions of HB 1072 have passed both the House and Senate, which now must resolve their differences in conference committee. If they are able to do so, the bill is expected to face a positive reception from the governor's office.

Hawaii is at its best when it draws on existing resources in innovative, creative ways to meet the needs of its people. HB 1072 would help some of our most vulnerable — individuals who would continue to struggle mightily without it.

Senate and House conferees should work out their differences as quickly as possible and send the governor a bill that would provide a helping hand to the mentally ill and alleviate real human suffering throughout our islands.

ATTACHMENT A

Dear Representatives,

My name is Don Lane and I am a mental health consumer and advocate on Maui. In regards to HB1072 I would like to thank you whole heartedly for listening to us, your constituents and more specifically mental health patients like myself that make up a large part of the community here in Hawaii.

I feel empowered because of your empathy and ability to treat us as equals. I understand that compromises need to be reached and amendments made to HB1072 to ensure our safety. I have learned a lot from all of you during the process of advocating for this bill over the last two sessions. Thank you for seeing the need to alleviate the suffering. Thank you for allowing those of us with a mental illness a better chance at recovery and to achieve a semblance of normalcy in our lives.

With much gratitude,

Don Lane