

THE
 TWENTY-NINTH LEGISLATURE
 STATE OF HAWAII
 REGULAR SESSION OF 2017
 JOURNAL OF THE SENATE

FIRST DAY

Wednesday, January 18, 2017

In accordance with the provisions of Section 10 of Article III of the Constitution of the State of Hawaii, the Senate of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2017, was called to order at 10:08 a.m., by the Honorable Kaiiali'i Kahele, Temporary Chair of the Senate.

At this time, the members of the Senate and guests rose for the invocation by Kahu Curt Kekuna of Kawaiaha'o Church, followed by the singing of the National Anthem by Ms. Nalani Brun, and "Hawaii Pono'i" by Mr. Nick Castillo.

Nominations now being in order for a temporary clerk, Senator Thielen nominated Carol Taniguchi, seconded by Senator Ihara.

Senator Taniguchi moved that the nominations be closed, seconded by Senator Kim and carried.

The Chair declared Carol Taniguchi as Temporary Clerk of the Senate.

Senator Green then moved that a committee of three senators be appointed by the Chair as a Committee on Credentials to examine the certificates of election of the newly elected members of the Senate and to submit a report of its findings to the Senate, seconded by Senator Riviere and carried.

The Chair thereupon appointed Senators Galuteria, Harimoto, and Tokuda to serve on such committee, and directed the committee and Temporary Clerk to examine the certificates of election.

The Chair then proceeded to introduce the following distinguished guests to the members of the Senate:

The Honorable David Y. Ige, Governor of the State of Hawaii, and Mrs. Dawn Amano-Ige;

The Honorable Shan S. Tsutsui, Lieutenant Governor of the State of Hawaii;

The Honorable Mark E. Recktenwald, Chief Justice, Supreme Court, State of Hawaii;

Ms. Rowena Akana, Chair of the Office of Hawaiian Affairs;

The Honorable George R. Ariyoshi, former Governor of the State of Hawaii, and Mrs. Jean Ariyoshi;

The Honorable Benjamin Cayetano, former Governor of the State of Hawaii, and Mrs. Vicky Cayetano;

The Honorable John D. Waihe'e III, former Governor of the State of Hawaii;

The Honorable Neil Abercrombie, former Governor of the State of Hawaii;

The Honorable Harry Kim, Mayor of the County of Hawaii;

The Honorable Bernard Carvalho, Mayor of the County of Kauai;

Commander Ulysses Mullins, United States Coast Guard;

Ms. Neijon Edwards, Consul General of the Republic of the Marshall Islands;

Ms. Gina Jamoralin, Consul General of the Philippines;

Mr. James Huang, Deputy Director, Taipei Economic & Cultural Office;

The Honorable Hiroshi Ogawa, Governor of Fukuoka Prefecture;

The Honorable Masayuki Nakao, Chair, Fukuoka Prefectural Assembly; and

Members of the Fukuoka Prefectural delegation, who were seated in the gallery.

SPECIAL COMMITTEE REPORT

Senator Galuteria, for the Committee on Credentials, presented a report (Spec. Com. Rep. No. 1) as follows:

“Honorable Kaiiali'i Kahele
 Temporary Chair of the Senate
 Twenty-ninth State Legislature
 Regular Session of 2017
 State of Hawaii

Sir:

Your Committee on Credentials begs leave to report that it has examined the Certificates of Election of the Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017, and finds that the following persons have been legally elected and are fully qualified to sit as members of the Senate.

The newly elected Senator whose term of office will expire on November 6, 2018, is:

First Senatorial District

Kaiiali'i Kahele

The newly elected Senators whose respective terms of office will expire on November 3, 2020, are:

Second Senatorial District

Russell E. Ruderman

Fifth Senatorial District

Gil S. Coloma Keith-Agaran

Eighth Senatorial District

Ronald Dan Kouchi

Ninth Senatorial District

Stanley Chang

Tenth Senatorial District

Les Ihara, Jr.

Eleventh Senatorial District

Brian T. Taniguchi

Thirteenth Senatorial District

Karl Rhoads

Fourteenth Senatorial District

Donna Mercado Kim

Fifteenth Senatorial District

Glenn Wakai

Nineteenth Senatorial District

Will Espero

Twentieth Senatorial District

Mike Gabbard

Twenty-second Senatorial District

Donovan Dela Cruz

Twenty-fifth Senatorial District

Laura H. Thielen

Respectfully submitted,

/s/Senator Brickwood Galuteria

/s/Senator Breene Harimoto

/s/Senator Jill Tokuda”

On motion by Senator Shimabukuro, seconded by Senator Ruderman and carried, Spec. Com. Rep. No. 1 was adopted.

The Committee on Credentials was thereupon discharged with thanks.

The Chair then called upon Chief Justice Mark E. Recktenwald of the Supreme Court, State of Hawai‘i, to the rostrum to administer the oath of office to the newly elected members of the Senate.

Chief Justice Recktenwald administered the oath of office to the newly elected members of the Senate, who were standing at their respective desks.

The Roll was then called by the Temporary Clerk showing all Senators present.

Nominations for officers of the Senate being next in order, Senator Inouye placed in nomination the name of Senator Ronald D. Kouchi for President of the Senate, seconded by Senator Nishihara.

Senator Galuteria moved that the nominations be closed, seconded by Senator Kidani.

The motion to close the nominations was then put by the Chair and carried unanimously, and the Temporary Clerk was directed to cast a unanimous ballot for Senator Ronald D. Kouchi as President of the Senate.

The ballot having been so cast, Senator Ronald D. Kouchi was declared elected President of the Senate of the Twenty-Ninth Legislature of the State of Hawai‘i, Regular Session of 2017.

The Chair then appointed Senators Inouye and Wakai to escort the President to the rostrum, and the President addressed the members of the Senate and guests as follows:

“Aloha. I know that pursuant to Toastmasters’ protocol, I’m supposed to introduce all of the distinguished guests, but I’ve been fighting a cold, so I’d like to have the words of the Chair as he read the names inserted into the Journal as if they were my own, and acknowledge all of the special guests that Senator Kahele recognized.

“There is one exception I’d like to make: If you’re wondering who’s sitting between Dawn and the lieutenant governor, that’s Governor Ige and Dawn’s son, Matt, so how about a hand for Matt?

“As I stand here this morning, the first thank you I’d like to extend is to my wife, Joy; my sons, Dan and Egan; my mom, Carolyn; up in my office, my dad, Mitch; my brother, Scott; and, in Idaho, my sister, Val. Without their love and support, it would not be possible for me to be serving here today, and I love them and I appreciate everything that they have done and the sacrifices they have made on my behalf.

“Unfortunately, all 25 members are not going to be able to speak today, so the second thank you I’d like to offer is on behalf of my 24 colleagues – their love, appreciation, and thanks for their families and all of the supporters who work so hard to help us get into the seats that we now occupy. So, on behalf of my colleagues, thank you very much to all of you for everything you have done for us.

“The last thank you before I begin my speech is inspired by attending the services on December 7th for the 75th commemoration of the attack on Pearl Harbor. I was so moved in listening to Admiral Harris that morning as he quoted from the Gettysburg Address, and he said that on that fateful morning, the brave men and women gave their “last full measure of devotion” to ensure the freedom and the liberty that this nation enjoys. The Gettysburg Address goes on to further say that these men shall not have died in vain, and their names will not be forgotten from the face of the earth. And it reminds me that we need to give great thanks to the men and women in uniform who stand watch every day to ensure the freedoms we enjoy. After standing that watch in their uniform, they turn over the operation and the running of the government to officials elected by the citizens and governed by the citizens and not by the military, and so we cannot tell you thank you enough, so how about a big hand of appreciation?

“I was going to say the Senate Majority – we don’t have the Senate Majority, we only have Democratic senators; there is no Minority, and we’re getting used to dealing with that. The Majority Leader has worked hard with the members in putting together the majority package. We have a handout that articulates in a very concise and wonderfully laid-out way the goals of the Senate, and I’m not going to belabor you this morning by going through all of them. But when you look at the four overarching themes and what we hope to accomplish, clearly, homelessness, which we put \$12 million to address last year, is at the top of our list. Affordable housing, which we put over \$100 million to address last year – and the largest amount appropriated for affordable housing by any legislature – continues to be at the top of our list. Ensuring quality health care for every citizen in Hawai‘i, especially those who live in rural areas, continues to be at the top of our list. Pre-K, K through 12, and our University of Hawai‘i System – the community colleges and the four-year institutions – continue to be at the top of our list. Rail, in one way or another, is going to come to a conclusion in this legislative session, and that will certainly be occupying much of the time during the session. And I personally have supported rail; I hope we find the path, but we are not close to finding that path yet, and we certainly

need a lot more information for us to be able to make our final judgment on the rail issue.

“But what I really wanted to do today is just talk about a couple of things, and I wanted to bring a little human element into the discussion. I have been pleased to have as my guest – and I have been a guest in his city of Sacramento – former mayor Kevin Johnson. Kevin? As a sports fan, I was much more enamored with his accomplishments on the NBA court, especially as a point guard for the Phoenix Suns, but I find that he is a national award-winning mayor because he’s created after-school programs that have established to taking over charter schools in Sacramento, creating reading programs, and homelessness programs. And so our problems are not unique to the rest of the world, and where we have others who have found success, why not find the smart people to help us solve our problems? And so I’ve been excited to hear from Kevin about what he’s been doing and how he’s tackled the problems, and now that his two terms have ended, he has some free time, so we’re hoping that we’ll see more of him here in Hawai‘i.

“When I was thinking about what to say two weeks ago, I was so excited. I thought about all of the aspirational things we’ve been talking about and what we’d like to achieve as a State and as a community. And then the Council on Revenues told me I had less money to talk about in the speech. And then a few days later, the ERS filed their report and told me I had no money to talk about in my speech. And I realized that in the last biennium, Ways and Means Chair Tokuda as well as Finance Chair Luke in the House have crafted fiscally conservative budgets at a time when we had money. They, along with all of your votes, ensured that we had budgets that paid down faster on our unfunded liability, put the money back into the “rainy day” fund, and acted in a fiscally responsible and prudent way and didn’t squander the treasury. And I can only imagine the trouble we’d be in today if we had been more free in our spending over the last two years, and so I’d like to say thank you in our chamber to Chair Tokuda for the leadership that you’ve shown and the vision on the budget. Mahalo.

“And I know we’re not supposed to mention each other by name, so sorry about that, and I won’t mention the senator from Wahiawā who constantly says, “Well, if we want to do education, if we want to take care of the homeless, if we want to help our kūpuna and our keiki, where are we going to generate the money?” We have to find revenue so that we can take care of everyone in our community. A month ago, I read the *Star-Advertiser* and I saw an article on Chenoa Farnsworth of Blue Startups Hawai‘i. And I called and I asked to meet with her, and I finally got a chance to meet her yesterday. Chenoa? Please come to the front. This is Chenoa, and when I told the Clerk that she would be coming, she told me Chenoa was a staffer here in the Senate 20 years ago. So before I talk about her company Blue Startups, to all of our legislative staff: I’d like to thank you because we can’t pay you much. We have incredibly difficult and challenging work, and yet you step up and come here to gain the experience and to make a difference for the people of Hawai‘i. And I guess when we look at Chenoa, now you know where your path may lead you, and so I’m grateful to have such a great role model like you. Now, Chenoa through her company Blue Startups has taken a \$700,000 grant from the HI Growth fund, leveraged that with another \$700,000, and that \$1.4 million has had \$42 million of flow-through capital as of the time they printed their brochure. Tomorrow and Friday, they are hosting a conference at the Hilton Hawaiian Village with people coming from all over the world to talk about entrepreneurship in conjunction with social media and how people get their message out. You know, the impressions that we’re going to make are going to be incredible over the next two days, so it’s incumbent on us to build the climate, to support Chenoa and people like her in their endeavors to create that economy, so we can continue to support those who are so

challenged in our community that we can make sure the safety net remains strong. And I asked Chenoa to be here today because she said she’s had some challenges in having some of the businesses in the community step up to support them. Well, Chenoa, there are a lot of captains of industry in this room this morning, so I hope they know who you are, and I would go grab some business cards if I were you. So thank you very much, Chenoa.

“The third person I wanted to talk about had a personal problem and couldn’t make it here from Kaua‘i. Her name is Mahina Anguay. She is the principal at my alma mater, Waimea High School. She was last year’s Masayuki Tokioka Excellence in School Leadership Award winner, and I have been blessed in the six years that I’ve served in the Senate – two Tokioka Award winners have come from the island of Kaua‘i. Mahina attended the University of Hawai‘i on a golf scholarship back in 1978 and vowed never to return to Kaua‘i. She was working here on O‘ahu and she said, “There’d be no way I’m ever getting back to Kaua‘i and definitely not to Waimea High School,” where both her grandmother and her mother were teachers. Well, she came back. The Tokioka Award speaks for itself, but she has – through programs like Running Start and the Early College credit – gotten students who, will be the first in their family to attend college. Mahina has the Westside community believing in themselves, and she is creating that better pathway for her students. This is critical. We hear in the anger of the national politics and the divisiveness that we face in our community that a lot of it is attributed to the widening gulf between the haves and the have-nots. And the only equalization that we can offer our children is a quality education to ensure that they get the tools and the skills to compete in the global market that they are going to enter. And it is through principals like Mahina that we’re going to achieve these goals. And too often, we hear about what isn’t working or what isn’t right, and it’s really heartwarming for me to share a story – especially when that story comes from my alma mater. When we do Education Week here in the Senate, the stories that are told are incredible statewide, and when we meet the young people who are Prudential volunteers or Prudential award winners for doing community service and all the great things that they’re doing we need to celebrate these success stories to foster an atmosphere of achievement.

“And the last person – as we’re coming to the close of my remarks – I’d like to introduce is Sarah Kern. You can stand up, Sarah. Sarah is a valedictorian from Kaiser High School. She went to Tufts University, where she was on the dean’s list all four years. When she came home in the summer, she worked at Summer Fun. Her degree is in chemistry, biology, math, or something where you could make a lot of money. But when I met her, she was teaching at Wai‘anae High School through the Teach for America program. And it was clear when I found out about her working at Summer Fun and some of her other activities – following along with the reverend’s message – it became clear to me that she loves children. And no matter what she could do with the degrees that she has, she wanted to pour that knowledge and love into our students. I’ve heard administrators say why they don’t like the Teach for America teaching candidates, and why they won’t hire them. Some of them come from the mainland, and after they complete their obligation, they leave to go back home, and the administrators say, “I don’t want to pour in the effort and the energy on someone I’m going to lose.” But if we don’t take the risk and pour the energy in, then we stand the risk of losing great teachers like Sarah, and she never gets the chance to make a difference for our most at risk students. Sara has completed her mandatory obligation and she’s still at Wai‘anae High School. Why it isn’t Waimea High School, I don’t know, but it’s still at Wai‘anae High School. And the other part I forgot to say is, she drives from ‘Āina Haina every day to teach at Wai‘anae High

School, because she has a love for the students that she teaches out at Wai'anae, a love for the community, and she is continuing to do that.

“And so, to my colleagues, we need to create sufficient diversified economy to support all of our citizens. We need to support principals like Mahina Anguay and most importantly, we need to support people like Sarah Kern on the front line so that we can create the educational opportunities for our young people. At Waimea High School, there's a teacher, Jerry Nishihira. He and I are the same age but he attended Kaua'i High School. As a teacher at Waimea High School, he has students who are launching rockets out in the fields of Mānā. Jerry told me that his students think they're the first high school students to be able to launch rockets several thousand feet into the air. Jerry's story reminded me about the time I met Ellison Onizuka, and Ellison told me the story about him being barefoot in the coffee fields of Kona, gazing at the stars and dreaming of a better life, and how he was amazed one day that this barefoot boy from Kona would not look at the stars but would touch the stars. And those are the dreams that I see for the students at Waimea High School, for the students here in the State of Hawai'i – if we help them achieve those dreams, then we will have succeeded and we will be able to solve all of our problems.

“I'd like to close with a quote from Jim Rohn, an inspirational speaker and author, and I'm going to paraphrase a little to make it apply to the Hawai'i State Senate: 'Let others lead small lives, but not us. Let others argue over small things, but not us. Let others cry over small hurts, but not us. Let others leave their future in someone else's hands, but not us.' Thank you very much.”

At 10:50 a.m., the Senate stood in recess subject to the call of the Chair.

At this time, the members of the Senate and their guests were entertained by the Kahalu'u 'Ukulele Band, and Shar Carillo, Loke Sasil, and Shay Marcello.

The Senate reconvened at 11:29 a.m.

The President then announced that nominations were in order for the office of Vice President of the Senate.

Senator Dela Cruz placed in nomination the name of Senator Michelle N. Kidani for Vice President of the Senate, seconded by Senator Baker.

Senator Tokuda moved that the nominations be closed, seconded by Senator Gabbard.

The motion was then put by the Chair and carried unanimously, and the Temporary Clerk was directed to cast a unanimous ballot for Senator Michelle N. Kidani as Vice President of the Senate.

The ballot having been so cast, Senator Michelle N. Kidani was declared elected as Vice President of the Senate of the Twenty-Ninth Legislature of the State of Hawai'i, Regular Session of 2017.

SENATE RESOLUTION

The following resolution (S.R. No. 1) was read by the Temporary Clerk and was disposed of as follows:

S.R. No. 1 “SENATE RESOLUTION ELECTING OFFICERS OF THE TWENTY-NINTH LEGISLATURE.”

Offered by: Senator English.

On motion by Senator English, seconded by Senator Chang and carried, S.R. No. 1 was adopted.

The President thereupon administered the oath of office to the newly elected officers of the Senate: Clerk Carol T. Taniguchi, Assistant Clerk Jennifer T. Chow, Sergeant-at-Arms Bienvenido C. Villafior, and Assistant Sergeant-at-Arms C. M. Park Kaleiwahea.

SENATE RESOLUTION

The following resolution (S.R. No. 2) was read by the Clerk and was disposed of as follows:

S.R. No. 2 “SENATE RESOLUTION ADOPTING THE RULES OF THE SENATE OF THE TWENTY-NINTH LEGISLATURE.”

Offered by: Senator English.

On motion by Senator Kahele, seconded by Senator Espero and carried, S.R. No. 2 was adopted.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 1) was read by the Clerk and was disposed of as follows:

S.C.R. No. 1 “SENATE CONCURRENT RESOLUTION REQUESTING THE CHIEF JUSTICE OF THE HAWAII SUPREME COURT TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION FOR THE STATE OF THE JUDICIARY ADDRESS.”

Offered by: Senator English.

On motion by Senator Keith-Agaran, seconded by Senator Rhoads and carried, S.C.R. No. 1 was adopted.

At this time, the following Senate leadership assignments were announced by Senate President Kouchi:

Majority Leader:

Senator J. Kalani English

Majority Caucus Leader:

Senator Brickwood Galuteria

Majority Floor Leader:

Senator Will Espero

Majority Whip:

Senator Donovan M. Dela Cruz

Assistant Majority Whip:

Senator Brian T. Taniguchi

The President also announced the following standing committees of the Senate and their respective chairs and members:

AGRICULTURE AND ENVIRONMENT

Senator Mike Gabbard, Chair

Senator Gil Riviere, Vice Chair

Senator Clarence K. Nishihara

Senator Karl Rhoads

Senator Russell E. Ruderman

COMMERCE, CONSUMER PROTECTION, AND HEALTH

Senator Rosalyn H. Baker, Chair

Senator Clarence K. Nishihara, Vice Chair

Senator Stanley Chang

Senator Will Espero

Senator Les Ihara, Jr.

Senator Michelle N. Kidani

Senator Russell E. Ruderman

ECONOMIC DEVELOPMENT, TOURISM, AND TECHNOLOGY

Senator Glenn Wakai, Chair
 Senator Brian T. Taniguchi, Vice Chair
 Senator Rosalyn H. Baker
 Senator Brickwood Galuteria
 Senator Laura H. Thielen

EDUCATION

Senator Michelle N. Kidani, Chair
 Senator Kaiiali'i Kahele, Vice Chair
 Senator Donovan M. Dela Cruz
 Senator Will Espero
 Senator Gil Riviere

GOVERNMENT OPERATIONS

Senator Donna Mercado Kim, Chair
 Senator Russell E. Ruderman, Vice Chair
 Senator Brickwood Galuteria
 Senator Karl Rhoads
 Senator Jill N. Tokuda

HAWAIIAN AFFAIRS

Senator Maile S.L. Shimabukuro, Chair
 Senator Brickwood Galuteria, Vice Chair
 Senator J. Kalani English
 Senator Josh Green
 Senator Donna Mercado Kim

HIGHER EDUCATION

Senator Kaiiali'i Kahele, Chair
 Senator Michelle N. Kidani, Vice Chair
 Senator Will Espero
 Senator Gilbert S.C. Keith-Agaran
 Senator Brian T. Taniguchi

HOUSING

Senator Will Espero, Chair
 Senator Breene Harimoto, Vice Chair
 Senator Kaiiali'i Kahele
 Senator Gilbert S.C. Keith-Agaran
 Senator Clarence K. Nishihara

HUMAN SERVICES

Senator Josh Green, Chair
 Senator Stanley Chang, Vice Chair
 Senator Breene Harimoto
 Senator Jill N. Tokuda
 Senator Glenn Wakai

INTERNATIONAL AFFAIRS AND THE ARTS

Senator Brian T. Taniguchi, Chair
 Senator J. Kalani English, Vice Chair
 Senator Stanley Chang
 Senator Les Ihara, Jr.
 Senator Maile S.L. Shimabukuro

JUDICIARY AND LABOR

Senator Gilbert S.C. Keith-Agaran, Chair
 Senator Karl Rhoads, Vice Chair
 Senator Mike Gabbard
 Senator Donna Mercado Kim
 Senator Laura H. Thielen

PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Senator Clarence K. Nishihara, Chair
 Senator Glenn Wakai, Vice Chair

Senator Rosalyn H. Baker
 Senator Les Ihara, Jr.
 Senator Laura H. Thielen

TRANSPORTATION AND ENERGY

Senator Lorraine R. Inouye, Chair
 Senator Donovan M. Dela Cruz, Vice Chair
 Senator J. Kalani English
 Senator Breene Harimoto
 Senator Maile S.L. Shimabukuro

WATER AND LAND

Senator Karl Rhoads, Chair
 Senator Mike Gabbard, Vice Chair
 Senator Lorraine R. Inouye
 Senator Donna Mercado Kim
 Senator Laura H. Thielen

WAYS AND MEANS

Senator Jill N. Tokuda, Chair
 Senator Donovan M. Dela Cruz, Vice Chair
 Senator J. Kalani English
 Senator Brickwood Galuteria
 Senator Breene Harimoto
 Senator Lorraine R. Inouye
 Senator Kaiiali'i Kahele
 Senator Gil Riviere
 Senator Maile S.L. Shimabukuro
 Senator Brian T. Taniguchi
 Senator Glenn Wakai

ADJOURNMENT

At 11:33 a.m., on motion by Senator Espero, seconded by Senator English and carried, the Senate adjourned until 11:30 a.m., Thursday, January 19, 2017.