

ELEVENTH DAY

Friday, February 3, 2017

The Senate of the Twenty-Ninth Legislature of the State of Hawai'i, Regular Session of 2017, convened at 11:42 a.m. with the President in the Chair.

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

The President announced that he had read and approved the Journal of the Tenth Day.

At this time, Senator Shimabukuro welcomed DeMont and Rachel Conner, constituents from Nānākuli, who were seated in the gallery.

Senator Espero introduced Corey and Mitzi, representatives from the Hawai'i State Teachers Association, who were present in the gallery.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. No. 226 to 291) were read by the Clerk and were placed on file:

Dept. Com. No. 226, from the Department of Business, Economic Development, and Tourism dated December 30, 2016, transmitting the Motion Picture, Digital Media and Film Production Income Tax Credit Annual Report pursuant to Section 235-17, HRS.

Dept. Com. No. 227, from the Department of Health dated January 4, 2017, transmitting the following reports: Annual Audit Report of the Sanitation Branch pursuant to Chapter 321-27.5, HRS; and Annual Report on the Status of the Sanitation and Environmental Health Education Fund pursuant to Chapter 321-27, HRS.

Dept. Com. No. 228, from the Department of Health dated January 4, 2017, transmitting the State Council on Mental Health Annual Report and Implementation of the State Plan pursuant to Section 334-10(e), HRS.

Dept. Com. No. 229, from the Department of Business, Economic Development, and Tourism dated January 4, 2017, transmitting the Motion Picture, Digital Media and Film Production Income Tax Credit Annual Report pursuant to Section 235-17, HRS.

Dept. Com. No. 230, from the Department of Health dated January 5, 2017, transmitting the Annual Report Summarizing Yearly Data on Forensic Patients at the Hawaii State Hospital pursuant to Section 334-16, HRS.

Dept. Com. No. 231, from the Department of Health dated January 6, 2017, transmitting the Annual Report on Dental Health Activities, Expenditures, and Recommendations pursuant to Section 321-63, HRS.

Dept. Com. No. 232, from the Department of Business, Economic Development, and Tourism dated January 6, 2017, transmitting the 2016 State of Hawaii Overseas Offices' Annual Report pursuant to Section 201-84, HRS.

Dept. Com. No. 233, from the Department of Transportation dated January 6, 2017, transmitting the Customer Facility Charge Report pursuant to Act 226, SLH 2008.

Dept. Com. No. 234, from the Department of Land and Natural Resources dated January 6, 2017, transmitting the Land Dispositions Made of Public Lands for Calendar Year 2016 Report pursuant to Section 171-29, HRS.

Dept. Com. No. 235, from the Department of Health dated January 9, 2017, transmitting the Annual Report of the Activities of the Board of Certification of Operating Personnel in Wastewater Treatment Facilities pursuant to Section 340B-12, HRS.

Dept. Com. No. 236, from the Department of Health dated January 9, 2017, transmitting the Primary Care Incentive Program Report pursuant to Section 321-1.5(6), HRS.

Dept. Com. No. 237, from the Department of Health dated January 9, 2017, transmitting the Annual Report on the Receipt and Expenditures from the Trauma System Special Fund pursuant to Section 321-22.5(g), HRS.

Dept. Com. No. 238, from the Department of Health dated January 9, 2017, transmitting the Annual Report on the Receipt and Expenditures from the Emergency Medical Services Special Fund pursuant to Section 321-234(d), HRS.

Dept. Com. No. 239, from the Department of Health dated January 9, 2017, transmitting the Annual Report Relating to MH-1s and Hospitalizations of Persons who are Under an Order to Treat pursuant to Section 334-123, HRS.

Dept. Com. No. 240, from the Department of Health dated January 9, 2017, transmitting the Annual Report on the Receipt and Expenditures from the Emergency Medical Services Special Fund pursuant to Section 321-234(d), HRS.

Dept. Com. No. 241, from the Department of Health dated January 9, 2017, transmitting the Annual Report on the Receipt and Expenditures from the Trauma System Special Fund pursuant to Section 321-22.5(g), HRS.

Dept. Com. No. 242, from the University of Hawai'i System dated January 10, 2017, transmitting the Annual Report from the Hawai'i Natural Energy Institute pursuant to Section 304A-1891, HRS.

Dept. Com. No. 243, from the University of Hawai'i System dated January 10, 2017, transmitting a report of hire pursuant to Act 119, Section 128, SLH 2015.

Dept. Com. No. 244, from the Department of Agriculture dated January 10, 2017, transmitting the Department of Agriculture Annual Report pursuant to Act 100, SLH 1999.

Dept. Com. No. 245, from the Department of Agriculture dated January 10, 2017, transmitting the Transfer of Agricultural Loan Monies Report pursuant to Sections 155-14 and 219-4, HRS.

Dept. Com. No. 246, from the Department of Agriculture dated January 10, 2017, transmitting the Annual Report on Administratively Established Appropriations pursuant to Act 178, SLH 2002.

Dept. Com. No. 247, from the Department of Agriculture dated January 10, 2017, transmitting the Annual Report on the Agricultural Development and Food Security Special Fund pursuant to Act 73, SLH 2010.

Dept. Com. No. 248, from the Department of Agriculture dated January 10, 2017, transmitting the Annual Report on the Biosecurity Program pursuant to Act 236, SLH 2008.

Dept. Com. No. 249, from the Department of Agriculture dated January 10, 2017, transmitting the Report on the State's Progress Toward Meeting the Milestones and Objectives of the Energy Feedstock Program pursuant to Act 159, SLH 2007.

Dept. Com. No. 250, from the Department of Agriculture dated January 10, 2017, transmitting the Report on the State's Progress Toward Meeting the Milestones and Objectives of Important Agricultural Land Tax Credit Program pursuant to Act 233, SLH 2008.

Dept. Com. No. 251, from the Department of Agriculture dated January 10, 2017, transmitting the Report on all Moneys Deposited into and Disbursed from the Pesticide Use Revolving Fund pursuant to Act 154, SLH 2000.

Dept. Com. No. 252, from the Department of Agriculture dated January 10, 2017, transmitting the Report on the Feasibility of Both Decommissioning and Relocating the Animal Quarantine Station in Halawa Valley pursuant to H.C.R. No. 34 (2016).

Dept. Com. No. 253, from the Department of Agriculture dated January 10, 2017, transmitting the Progress Report on the 2016 Budget Provisos pursuant to Act 124, SLH 2016.

Dept. Com. No. 254, from the Department of the Attorney General dated January 12, 2017, transmitting the Report on Litigation Deposits Trust Fund Transactions and Collections Made on Behalf of Other Departments and Agencies pursuant to Section 28-16(e)(2), HRS.

Dept. Com. No. 255, from the Department of Human Services dated January 12, 2017, transmitting the Final Report of the Working Group on Government Identification pursuant to Act 243, SLH 2015.

Dept. Com. No. 256, from the Department of Health dated January 13, 2017, transmitting the 2017 State Water Pollution Control Revolving Fund pursuant to Section 342D-82, HRS.

Dept. Com. No. 257, from the Department of Health dated January 13, 2017, transmitting the Report on Cigarette Tax Revenue pursuant to Act 86, SLH 2016.

Dept. Com. No. 258, from the Department of Health dated January 13, 2017, transmitting the Annual Report on the Mental Health and Substance Abuse Special Fund pursuant to Section 334-15, HRS.

Dept. Com. No. 259, from the Department of Health dated January 17, 2017, transmitting the Report on the Hawaii State Hospital Budget pursuant to Section 16.4, HRS.

Dept. Com. No. 260, from the Board of Education dated January 17, 2017, transmitting the Annual Report on the State's Public Charter Schools pursuant to Section 302D-21, HRS.

Dept. Com. No. 261, from the University of Hawai'i System dated January 18, 2017, transmitting a report of hire pursuant to Act 119, Section 128, SLH 2015.

Dept. Com. No. 262, from the Hawaii Health Systems Corporation dated January 19, 2017, transmitting its Annual Audit and Report FY2016 pursuant to Section 323F-22(b) and (c), HRS.

Dept. Com. No. 263, from the State Environmental Council dated January 20, 2017, transmitting its 2015-2016 Annual Report pursuant to Section 341-6, HRS.

Dept. Com. No. 264, from the Department of Labor and Industrial Relations dated January 20, 2017, transmitting the Workforce Development Council Annual Report pursuant to Section 202-2(8), HRS.

Dept. Com. No. 265, from the Department of Labor and Industrial Relations dated January 20, 2017, transmitting the Annual Evaluation of the Hawai'i Unemployment Compensation Trust Fund pursuant to Section 383-126.5, HRS.

Dept. Com. No. 266, from the Department of Labor and Industrial Relations dated January 20, 2017, transmitting the Hoisting Machine Operators' Advisory Board Annual Report for the fiscal year ending June 30, 2016, pursuant to Act 74, SLH 2016.

Dept. Com. No. 267, from the Department of Labor and Industrial Relations dated January 20, 2017, transmitting the Hoisting Machine Operators' Advisory Board Annual Report for the fiscal year ending June 30, 2016, pursuant to Section 396-20, HRS.

Dept. Com. No. 268, from the University of Hawai'i System dated January 24, 2017, transmitting a report of hire pursuant to Act 119, Section 128, SLH 2015.

Dept. Com. No. 269, from the Department of Health dated January 25, 2017, transmitting the Report on Environmental Response Law and Hawaii Emergency Planning and Community Right to Know Act Financial and Environmental Site Information FY2016 pursuant to Chapters 128D and 128E, HRS.

Dept. Com. No. 270, from the Department of Business, Economic Development, and Tourism dated January 30, 2017, transmitting the Hawaii Housing Finance and Development Corporation Annual Report pursuant to Section 201H-21, HRS.

Dept. Com. No. 271, from the Department of Defense dated January 24, 2017, transmitting the Disabled Veterans' Motor Vehicle Registration Fee Exemption Report pursuant to Act 128, SLH 2015.

Dept. Com. No. 272, from the Department of Land and Natural Resources dated December 1, 2016, transmitting the Report Relating to Public Land Liability and Recommendations of the Task Force on Beach and Water Safety pursuant to Act 86, SLH 2014, and Act 190, SLH 1996.

Dept. Com. No. 273, from the Department of Education dated December 12, 2016, transmitting the Education Research and Development Revolving Fund Report pursuant to Section 302A-305, HRS.

Dept. Com. No. 274, from the Executive Office on Early Learning dated December 16, 2016, transmitting the Public Pre-Kindergarten Program Report pursuant to Act 109, SLH 2015.

Dept. Com. No. 275, from the Department of Education dated December 22, 2016, transmitting the Report on Cost Impacts of Providing Workers' Compensation Coverage for Students pursuant to Section 302A-431, HRS.

Dept. Com. No. 276, from the Hawai'i Tourism Authority dated December 28, 2016, transmitting a listing of Hawaiian cultural programs and funds which were expended during FY 2015-2016, including program names, execution entities, and invested amounts pursuant to Act 119, Section 135, SLH 2015.

Dept. Com. No. 277, from the Office of Hawaiian Affairs dated December 29, 2016, transmitting its 2016 Annual Report pursuant to Section 10-15, HRS.

Dept. Com. No. 278, from the County of Maui Police Department dated January 1, 2017, transmitting a report concerning electric guns and their use pursuant to Section 134-16(d), HRS.

Dept. Com. No. 279, from the County of Maui Police Department dated January 1, 2017, transmitting the Misconduct Report for Calendar Year 2016 pursuant to Act 242, SLH 1995.

Dept. Com. No. 280, from the Department of Budget and Finance dated January 3, 2017, transmitting a compact disc of

the FY 15 and 16 Routine Repair and Maintenance Report pursuant to Act 233, SLH 2016.

Dept. Com. No. 281, from the County of Hawai'i Police Department dated January 4, 2017, transmitting a report concerning electric guns and their use pursuant to Section 134-16(d), HRS.

Dept. Com. No. 282, from the Department of Health dated January 4, 2017, transmitting a report relating to the examination of distribution of revenues derived from fees for birth, marriage, divorce, and death certificates pursuant to Act 43, SLH 2016.

Dept. Com. No. 283, from the Department of Budget and Finance dated January 6, 2017, transmitting a compact disc of the FYs 13-19 Non-General Fund Information Report pursuant to Section 37-47, HRS.

Dept. Com. No. 284, from the H.C.R. 32 Task Force dated January 10, 2017, transmitting the Report Examining Cancer in the Firefighting Profession pursuant to H.C.R. No. 32, H.D.1, S.D.1 (2016).

Dept. Com. No. 285, from the City and County of Honolulu Police Department dated January 11, 2017, transmitting a report concerning electric guns and their use pursuant to Section 134-16(d), HRS.

Dept. Com. No. 286, from the Office of the Auditor dated January 17, 2017, transmitting the report, "Sunrise Analysis: Regulation of Certified Professional Midwives," (Report No. 17-01) pursuant to H.C.R. No. 65, H.D.1 (2016).

Dept. Com. No. 287, from the County of Kaua'i Police Department dated January 18, 2017, transmitting the 2016 Standard of Conduct Annual Report pursuant to Section 52D-3.5, HRS.

Dept. Com. No. 288, from the County of Kaua'i Police Department dated January 18, 2017, transmitting a report concerning electric guns and their use pursuant to Section 134-16(d), HRS.

Dept. Com. No. 289, from the County of Maui Department of Finance dated January 20, 2017, transmitting the Comprehensive Annual Financial Report (CAFR) of the County of Maui for the Fiscal Year ended June 30, 2016, with the Independent Auditors' Report, pursuant to Section 9-13, County Charter.

Dept. Com. No. 290, from the Department of Human Resources Development dated January 24, 2017, transmitting the State of Hawaii Executive Branch Workforce Profile pursuant to Section 176-1.5, HRS.

Dept. Com. No. 291, from the Department of Accounting and General Services dated January 25, 2017, transmitting the State Foundation on Culture and the Arts FY 2015-2016 Annual Report pursuant to Chapter 9-3(8), HRS.

STANDING COMMITTEE REPORTS

Senators Green and Baker, for the Committee on Human Services and the Committee on Commerce, Consumer Protection, and Health, presented a joint report (Stand. Com. Rep. No. 30) recommending that S.B. No. 397 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator English and carried, the joint report of the Committees was adopted and S.B. No. 397, entitled: "A BILL FOR AN ACT RELATING TO THE HOSPITAL SUSTAINABILITY PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Green and Baker, for the Committee on Human Services and the Committee on Commerce, Consumer Protection, and Health, presented a joint report (Stand. Com. Rep. No. 31) recommending that S.B. No. 308 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator English and carried, the joint report of the Committees was adopted and S.B. No. 308, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Green and Baker, for the Committee on Human Services and the Committee on Commerce, Consumer Protection, and Health, presented a joint report (Stand. Com. Rep. No. 32) recommending that S.B. No. 374, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator English and carried, the joint report of the Committees was adopted and S.B. No. 374, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Green and Baker, for the Committee on Human Services and the Committee on Commerce, Consumer Protection, and Health, presented a joint report (Stand. Com. Rep. No. 33) recommending that S.B. No. 21, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator English and carried, the joint report of the Committees was adopted and S.B. No. 21, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Green and Baker, for the Committee on Human Services and the Committee on Commerce, Consumer Protection, and Health, presented a joint report (Stand. Com. Rep. No. 34) recommending that S.B. No. 511, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator English and carried, the joint report of the Committees was adopted and S.B. No. 511, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Green and Espero, for the Committee on Human Services and the Committee on Housing, presented a joint report (Stand. Com. Rep. No. 35) recommending that S.B. No. 171 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator English and carried, the joint report of the Committees was adopted and S.B. No. 171, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Green and Espero, for the Committee on Human Services and the Committee on Housing, presented a joint report (Stand. Com. Rep. No. 36) recommending that S.B. No. 749 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator English and carried, the joint report of the Committees was adopted and S.B. No. 749, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Green and Espero, for the Committee on Human Services and the Committee on Housing, presented a joint report (Stand. Com. Rep. No. 37) recommending that S.B. No. 5, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator English and carried, the joint report of the Committees was adopted and S.B. No. 5, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 38) recommending that S.B. No. 396 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.B. No. 396, entitled: "A BILL FOR AN ACT RELATING TO SECURITY INTERESTS IN REAL PROPERTY," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 39) recommending that S.B. No. 353 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.B. No. 353, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 40) recommending that S.B. No. 593 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Health.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.B. No. 593, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Health.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 41) recommending that S.B. No. 700 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.B. No. 700, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 42) recommending that S.B. No. 840 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.B. No. 840, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER MANAGEMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 43) recommending that S.B. No. 976 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.B.

No. 976, entitled: "A BILL FOR AN ACT RELATING TO TIER II FILING FEES FOR REPORTING OF HAZARDOUS SUBSTANCES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 44) recommending that S.B. No. 605, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.B. No. 605, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 45) recommending that S.B. No. 612, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.B. No. 612, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

S.B. No.:	Re-referred to:
S.B. No. 152	Jointly to the Committee on Water and Land and the Committee on International Affairs and the Arts
S.B. No. 988	Jointly to the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Agriculture and Environment, then jointly to the Committee on Judiciary and Labor and the Committee on Ways and Means
S.B. No. 1118	Jointly to the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Agriculture and Environment, then jointly to the Committee on Judiciary and Labor and the Committee on Ways and Means

ADJOURNMENT

At 11:44 a.m., on motion by Senator Espero, seconded by Senator English and carried, the Senate adjourned until 11:30 a.m., Monday, February 6, 2017.