

FIFTEENTH DAY

Friday, February 10, 2017

The Senate of the Twenty-Ninth Legislature of the State of Hawai'i, Regular Session of 2017, convened at 11:41 a.m. with the Vice President in the Chair.

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

The Vice President announced that she had read and approved the Journal of the Fourteenth Day.

At this time, Senator Galuteria welcomed a group of student government members and eighth-grade social studies students from St. Patrick School in Kaimukī, who were seated in the gallery with teachers Mary Castello and Spencer Yim, and parent chaperones Mrs. Agbayani and Ms. Lisa Akau.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 507 to 509) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 507, submitting for consideration and confirmation, the nomination of TODD W. EDDINS as Judge to the State of Hawai'i First Circuit Court, for a term of ten years, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 508, submitting for consideration and confirmation, the nomination of CATHERINE REMIGIO as Judge to the State of Hawai'i First Circuit Court, for a term of ten years, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 509, submitting for consideration and confirmation, the nomination of KEITH HIRAOKA as Judge to the State of Hawai'i First Circuit Court, for a term of ten years, was referred to the Committee on Judiciary and Labor.

HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 6) was read by the Clerk and was disposed of as follows:

Hse. Com. No. 6, transmitting H.B. No. 1530, H.D. 1, which passed Third Reading in the House of Representatives on February 9, 2017, was placed on file.

On motion by Senator Espero, seconded by Senator English and carried, H.B. No. 1530, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, THE OMBUDSMAN, AND THE ETHICS COMMISSION," passed First Reading by title and was referred to the Committee on Ways and Means.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 50) was read by the Clerk and was referred to committee:

S.C.R. No. 50 "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM AND NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIKIKI, HONOLULU, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING PIER AND SEAWALL AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON."

Offered by: Senator Chang.

Referred to: Committee on Water and Land, then to the Committee on Ways and Means.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 107) recommending that S.B. No. 146, 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 report of the Committee was adopted and S.B. No. 146, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ORDERS FOR TREATMENT OVER OBJECTION," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 108) recommending that S.B. No. 240, 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 report of the Committee was adopted and S.B. No. 240, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 109) recommending that S.B. No. 333, 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. 333, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARY PUBLIC FEES," 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. 110) recommending that S.B. No. 369, 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 report of the Committee was adopted and S.B. No. 369, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 111) recommending that S.B. No. 399, 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. 399, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 112) recommending that S.B. No. 377, 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. 377, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tokuda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 113) recommending that S.B. No. 1234 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.B. No. 1234, entitled: "A BILL FOR AN ACT RELATING TO THE KAHOO LAWE ISLAND RESERVE COMMISSION," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 13, 2017.

Senator Shimabukuro, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 114) recommending that S.B. No. 55, as amended in S.D. 1, be recommitted to the Committee on Hawaiian Affairs.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.B. No. 55, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," was recommitted to the Committee on Hawaiian Affairs.

Senators Baker and Green, for the Committee on Commerce, Consumer Protection, and Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 115) recommending that S.B. No. 531 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. 531, entitled: "A BILL FOR AN ACT RELATING TO THE HEALTHY AGING PARTNERSHIP PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Green, for the Committee on Commerce, Consumer Protection, and Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 116) recommending that S.B. No. 536 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. 536, entitled: "A BILL FOR AN ACT RELATING TO FALL PREVENTION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Green, for the Committee on Commerce, Consumer Protection, and Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 117) recommending that S.B. No. 528 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. 528, entitled: "A BILL FOR AN ACT RELATING TO AGING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Green, for the Committee on Commerce, Consumer Protection, and Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 118) recommending that S.B. No. 533 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. 533, entitled: "A BILL FOR AN ACT MAKING AN

APPROPRIATION FOR THE AGING AND DISABILITY RESOURCE CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Green, for the Committee on Commerce, Consumer Protection, and Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 119) recommending that S.B. No. 2, 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. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Green, for the Committee on Commerce, Consumer Protection, and Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 120) recommending that S.B. No. 534, 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. 534, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KUPUNA CARE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Green, for the Committee on Commerce, Consumer Protection, and Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 121) recommending that S.B. No. 530, 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. 530, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OFFICE OF THE LONG-TERM CARE OMBUDSMAN PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 122) recommending that S.B. No. 955, 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. 955, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELAND SECURITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 123) recommending that S.B. No. 717, 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. 717, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC REAL PROPERTY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 124) recommending that S.B. No. 634, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Health and 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. 634, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUILDING CODES," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Health and the Committee on Ways and Means.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 125) recommending that S.B. No. 1036, 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 report of the Committee was adopted and S.B. No. 1036, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 126) recommending that S.B. No. 421, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor and 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. 421, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT CAMERAS," passed Second Reading and was referred to the Committee on Judiciary and Labor and the Committee on Ways and Means.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 127) recommending that S.B. No. 520 pass Second Reading and be referred to the Committee on Judiciary and Labor and 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. 520, entitled: "A BILL FOR AN ACT RELATING TO POLICE COMMISSIONS," passed Second Reading and was referred to the Committee on Judiciary and Labor and the Committee on Ways and Means.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 128) recommending that S.B. No. 424 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. 424, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 129) recommending that S.B. No. 230 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. 230, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MANAGEMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 130) recommending that S.B. No. 604 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. 604, entitled: "A BILL FOR AN ACT RELATING TO THE MITIGATION OF HAZARDOUS SITUATIONS STATEWIDE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Rhoads, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 131) recommending that S.B. No. 1150, 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 report of the Committee was adopted and S.B. No. 1150, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESERVING CORAL REEFS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Rhoads, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 132) recommending that S.B. No. 1079, 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. 1079, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MAKENA STATE PARK," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Rhoads, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 133) recommending that S.B. No. 289, 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. 289, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAHAINA SMALL BOAT HARBOR," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Rhoads, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 134) recommending that S.B. No. 1136, 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. 1136, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

THIRD READING

S.B. No. 882:

On motion by Senator Gabbard, seconded by Senator Kidani and carried, S.B. No. 882, entitled: "A BILL FOR AN ACT RELATING TO FARM TO SCHOOL MONTH IN HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

REFERRAL OF A HOUSE CONCURRENT RESOLUTION

The President made the following committee assignments of a House concurrent resolution received on Wednesday, January 25, 2017:

H.C.R. No.:	Referred to:
H.C.R. No. 12	Jointly to the Committee on Transportation and Energy and the

Committee on Economic Development,
Tourism, and Technology and the
Committee on International Affairs and
the Arts

RE-REFERRAL OF SENATE BILLS

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

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| S.B. No.: | Re-referred to: |
| S.B. No. 55, S.D. 1 | Jointly to the Committee on International Affairs and the Arts and the Committee on Hawaiian Affairs |
| S.B. No. 855 | Committee on Judiciary and Labor, then to the Committee on Ways and Means |
| S.B. No. 1070 | Committee on Government Operations, then jointly to the Committee on Judiciary and Labor and the Committee on Ways and Means |

**RE-REFERRAL OF A
SENATE CONCURRENT RESOLUTION**

The Chair re-referred the following Senate concurrent resolution that was offered:

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| S.C.R. No.: | Re-referred to: |
| S.C.R. No. 32 | Committee on Commerce, Consumer Protection, and Health |

ADJOURNMENT

At 11:46 a.m., on motion by Senator Espero, seconded by Senator English and carried, the Senate adjourned until 11:30 a.m., Monday, February 13, 2017.