

## TWENTY-FIRST DAY

## Tuesday, February 21, 2017

The Senate of the Twenty-Ninth Legislature of the State of Hawai'i, Regular Session of 2017, convened at 11:32 a.m. with the President in the Chair.

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

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

At this time, Senator Kahele introduced Melissa McCaffrey and Jared Esselman of the Aircraft Owners and Pilots Association, who were present in the gallery with Stacy Howard of the National Business Aviation Association.

## DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 292 to 304) were read by the Clerk and were placed on file:

Dept. Com. No. 292, from the Department of Business, Economic Development, and Tourism dated January 25, 2017, transmitting the Hawaii Community Development Authority 2016 Annual Report pursuant to Section 206E-19, HRS.

Dept. Com. No. 293, from the Department of Labor and Industrial Relations dated January 26, 2017, transmitting the Employment and Training Fund Report for the fiscal year ending June 30, 2016, pursuant to Section 383-128, HRS.

Dept. Com. No. 294, from the Department of the Attorney General dated January 30, 2017, transmitting the 2016 Report of the Commission to Promote Uniform Legislation.

Dept. Com. No. 295, from the Department of Health dated January 31, 2017, transmitting the Annual Report of the Domestic Violence and Sexual Assault Special Fund pursuant to Section 321-1.3, HRS.

Dept. Com. No. 296, from the University of Hawai'i System dated January 31, 2017, transmitting a report of hire pursuant to Act 119, Section 128, SLH 2015.

Dept. Com. No. 297, from the Department of Transportation dated February 1, 2017, transmitting the Water Scalping Report pursuant to Act 229, SLH 2015.

Dept. Com. No. 298, from the Department of Public Safety dated February 1, 2017, transmitting the Progress Report on the Oahu Community Correctional (OCCC) Facility Replacement pursuant to Act 124, Section 52, SLH 2016.

Dept. Com. No. 299, from the Department of Labor and Industrial Relations dated February 3, 2017, transmitting the Hawaii Labor Relations Annual Report for the fiscal year ending June 30, 2016, pursuant to Section 89-5, HRS.

Dept. Com. No. 300, from the Department of Business, Economic Development, and Tourism dated February 8, 2017, transmitting the Report Relating to the Discovery of a Security Breach of Personal Information pursuant to Section 487N-4, HRS.

Dept. Com. No. 301, from the City and County of Honolulu Department of Parks and Recreation dated January 31, 2017, transmitting the report, "Improve Public Beach Access for Persons with Disabilities in Hawaii," pursuant to H.C.R. No. 141, H.D. 1, S.D. 1 (2016).

Dept. Com. No. 302, from the Office of the Auditor dated February 8, 2017, transmitting the Financial Audit Report of Department of Hawaiian Home Lands for the fiscal year ending

June 30, 2016, pursuant to Article VII, Section 10, of the State Constitution, and as authorized by Chapter 23, HRS.

Dept. Com. No. 303, from the Department of Labor and Industrial Relations dated February 3, 2017, transmitting its Annual Report for the fiscal year ending June 30, 2016, pursuant to Act 100, SLH 1999.

Dept. Com. No. 304, from the University of Hawai'i System dated February 7, 2017, transmitting a report of hire pursuant to Act 119, Section 128, SLH 2015.

## STANDING COMMITTEE REPORT

Senator Tokuda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 539) recommending that S.B. No. 1099, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 539 and S.B. No. 1099, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS," was deferred until Thursday, March 2, 2017.

## ORDER OF THE DAY

## THIRD READING

S.B. No. 724:

On motion by Senator Dela Cruz, seconded by Senator English and carried, S.B. No. 724, entitled: "A BILL FOR AN ACT RELATING TO NON-DISCRETIONARY COSTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 941:

On motion by Senator Dela Cruz, seconded by Senator English and carried, S.B. No. 941, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC FUNDS TRANSFERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 284, S.D. 1:

On motion by Senator Dela Cruz, seconded by Senator English and carried, S.B. No. 284, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MAALAEA SMALL BOAT HARBOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 939, S.D. 1:

On motion by Senator Dela Cruz, seconded by Senator English and carried, S.B. No. 939, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1002, S.D. 1:

On motion by Senator Dela Cruz, seconded by Senator English and carried, S.B. No. 1002, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY TO THE INTERNAL REVENUE CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1007, S.D. 1:

On motion by Senator Dela Cruz, seconded by Senator English and carried, S.B. No. 1007, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WITHHOLDING TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 538 (S.B. No. 215):

On motion by Senator Dela Cruz, seconded by Senator English and carried, Stand. Com. Rep. No. 538 was adopted and S.B. No. 215, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

**REFERRAL OF HOUSE BILLS**

The President made the following committee assignments of House bills received on Tuesday, February 14, 2017:

- |                      |                                  |
|----------------------|----------------------------------|
| H.B. No.:            | Referred to:                     |
| H.B. No. 73, H.D. 1  | Committee on Judiciary and Labor |
| H.B. No. 74, H.D. 1  | Committee on Judiciary and Labor |
| H.B. No. 300, H.D. 1 | Committee on Judiciary and Labor |
| H.B. No. 301, H.D. 1 | Committee on Judiciary and Labor |
| H.B. No. 459, H.D. 1 | Committee on Judiciary and Labor |
| H.B. No. 717, H.D. 1 | Committee on Judiciary and Labor |
| H.B. No. 796, H.D. 1 | Committee on Judiciary and Labor |

**REFERRAL OF A SENATE CONCURRENT RESOLUTION**

The President made the following committee assignments of a Senate concurrent resolution offered on Friday, February 17, 2017:

- |               |   |
|---------------|---|
| S.C.R. No.:   | Referred to:  |
| S.C.R. No. 52 | Jointly to the Committee on Judiciary and Labor and the Committee on Government Operations, then to the Committee on Ways and Means |

**REFERRAL OF A SENATE RESOLUTION**

The President made the following committee assignments of a Senate resolution offered on Friday, February 17, 2017:

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|-------------|---|
| S.R. No.:   | Referred to:  |
| S.R. No. 15 | Jointly to the Committee on Judiciary and Labor and the Committee on Government Operations, then to the Committee on Ways and Means |

**RE-REFERRAL OF MESSAGES FROM THE GOVERNOR**

The Chair re-referred the following messages from the Governor that were received:

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|-------------------|--|
| Gov. Msg. No.:    | Re-referred to:  |
| Gov. Msg. No. 530 | Committee on Commerce, Consumer Protection, and Health |
| Gov. Msg. No. 531 | Committee on Commerce, Consumer Protection, and Health |

At this time, Senator Kahele announced that it was Tourism Day on the fourth floor of the State Capitol, ending at 1:00 p.m. that afternoon, and encouraged the members to sample the iconic mochi from Two Ladies Kitchen in Hilo. Senator Kahele then announced that the first ever Aviation Caucus would take place that afternoon at 1:15 p.m. in Conference Room 414. As one of the caucus chairs, he invited the members to stop by to discuss the importance of aviation in Hawai'i as an island state.

The Chair complimented the beautiful anthuriums on Senator Kahele's desk.

Senator Gabbard announced that the Senate Committee on Agriculture and Environment and the House Committees on Agriculture and Health would be holding an informational briefing the following day at 9:00 a.m. in Conference Room 329 to discuss rat lungworm disease, a serious illness spread by eating raw produce tainted with slugs or snails that is greatly impacting the people of Puna and others across the state, and invited the members to attend.

**ADJOURNMENT**

At 11:38 a.m., on motion by Senator Espero, seconded by Senator English and carried, the Senate adjourned until 11:30 a.m., Wednesday, February 22, 2017.