

FORTIETH DAY

Thursday, March 30, 2017

The Senate of the Twenty-Ninth Legislature of the State of Hawai'i, Regular Session of 2017, convened at 11:37 a.m. with the President in the Chair.

The Roll was called showing all Senators present with the exception of Senator English who was excused.

The President announced that he had read and approved the Journal of the Thirty-Ninth Day.

At this time, Senator Ihara recognized a group of student government leaders from Kaimuki High School, who were seated in the gallery with their teacher, Ms. Holly Honbo.

Senator Shimabukuro welcomed the "three-peat" champion Wai'anae Tigers Jr. Pee Wee football team, who was present in the gallery with coaches and team parents.

Senator Kahele introduced Mike Morris, president and chief executive officer of Maui Family YMCA, who was present in the gallery.

Senator Baker recognized and honored the Boys & Girls Clubs 2017 Youth of the Year, and presented the following remarks:

"On behalf of our Majority Leader, it's my pleasure to introduce some very special guests we have on the floor and in the gallery. Every year, the Hawaii Alliance of the Boys & Girls Club holds a statewide competition in order to select Hawai'i Youth of the Year. Beginning with island competitions, youth from various clubhouses compete against one another to be selected as an island finalist for the Hawai'i State Youth of the Year competition. The island finalists then come to O'ahu to compete. Today, the Hawai'i Youth of the Year will be determined. The five finalists who are with us on the floor today made their presentations and were interviewed by a panel of judges this morning. The winner will be announced at a luncheon this afternoon and will represent the State of Hawai'i in the upcoming Boys & Girls Clubs of America Pacific Region Youth of the Year competition. The National Youth of the Year is inducted by the President of the United States and receives a \$100,000 four-year scholarship. To achieve the title of Youth of the Year on any level, club members must embody the values of leadership and service, academic excellence, and healthy lifestyles. They exemplify the positive impact that Boys & Girls Clubs have on the lives of young people.

"Before introducing the island finalists who are here with us on the floor today, I would like to recognize the participants from the island competitions who are in the gallery, so can the youth from Maui, the Big Island, O'ahu, Kaua'i, and the military youth please stand to be recognized? Thank you very much for being with us. May we also recognize all of the supporters who are here for our island youth competition? Don Couch from Maui, former councilmember; I see Kelly Pearson from Boys & Girls Clubs of Maui. Thank you so much for supporting all of them, the parents, the staff, and administrators. Now I would like to yield the floor to my colleague from Maui, Senator Gil Keith-Agaran, for the first introduction of our floor guests."

Senator Keith-Agaran rose to present the following remarks:

"Amanda Caires is from the Makawao Clubhouse. As a tenth-grader, she already has 100 hours of volunteer work through her club and her school. She is an avid participant in the clubhouse, where she's also cultivating her artistic talents. She recently created a piece of art for the Boys & Girls Clubs of

America national fine arts competition, and it was selected to represent Maui in the regional level in California.

"Amanda maintains a 3.8 GPA at King Kekaulike and also participates in Key Club, the drama club, and the Japanese club at school.

"The Maui delegation is proud to have her representing our home island and wishes her much success."

Senator Kahele rose to present the following remarks:

"Colleagues, this year's 2017 Boys & Girls Club of the Big Island Youth of the Year awards finalist is Shelsi Candaroma. Shelsi is a junior at one of our state's finest public educational institutions, Hilo High School, and serves as a positive role model and tutor at the Boys & Girls Clubhouse in Hilo. During her seven years with the Boys & Girls Club, Shelsi has learned and developed critical leadership, communication, and teamwork skills. She's exercised these acquired skills for multiple community service projects, including feeding the homeless, the Revolutionary Youth Market, and various Keystone service projects. When Shelsi isn't at school or serving our community, you can find her on the basketball court or the soccer field or dancing hula or leading cheers for Hilo High fans. Congratulations, Shelsi."

Senator Kidani rose to present the following remarks:

"Thank you, Mr. President. On your behalf, it is my pleasure to introduce Mr. Bryden Ka'auwai, the 2017 Boys & Girls Club of Kauai Youth of the Year. Bryden is currently a sophomore at Kaua'i High School enrolled in several honors classes and has been an active member of the Boys & Girls Club of Kauai for the past nine years. He is also a member of the Kaua'i All-Island Band and has traveled extensively throughout the country with the band performing in a multitude of prestigious events, including Memorial Day Parade in Washington, D.C., and the Macy's Thanksgiving Day Parade in New York City. In December, he and the band will be traveling to California to perform at the 2017 Holiday Bowl.

"In addition to his academic accomplishments, Bryden has consistently challenged himself to employ his strengths and abilities for the benefit of his community. Through the Boys and Girls Club - Kauai's Leaders in Training program, he helped to establish the first annual True Colors Color Run, a suicide awareness and prevention event, which will be held next month at Vidinha Soccer Field on Kaua'i. This free event will include Kaua'i's first Color Run and obstacle course, special performances, food trucks and vendors, but most importantly, the day's events will culminate with a rally to promote suicide awareness and prevention.

"Bryden exemplifies the virtues of selflessness and leadership and possesses a strong sense of self and character. Simply put, in his own words, 'If I continue with my best effort, everything is possible.' Mr. President and colleagues, another round of applause for Mr. Bryden Ka'auwai. Thank you, Bryden.

"Mr. President, also in the gallery today are two of the finalists for the 2017 Kauai Youth of the Year: Ms. Kimberly Matutina from the Lihue Clubhouse and Ms. Alexis Freeman from the Kapaa Clubhouse. They are accompanied by Lihue Clubhouse director Ms. Asaka Herman, Ms. Tina Albao, Ms. Leah Nuesca, Ms. Charlene Hanie, and Mr. JR Guerrero. Once again, colleagues, please join me in congratulating Mr. Bryden Ka'auwai; thank you so much for joining us today."

Senator Wakai rose to present the following remarks:

“Colleagues and guests, today I am delighted to introduce to you another Youth of the Year finalist named Alexis Goodwin of the Joint Base Pearl Harbor-Hickam Teen Center. Alexis is originally from Ohio but has been a member of the Hickam Teen Center for more than two years. She’s a 16-year-old and is currently being home-schooled at Obridge Academy. Alexis serves as president of the Keystone Club, a leadership development program for youth ages 14 through 18. As the president of that club, she has coordinated various club events dedicated to academic success, career preparation, and community service. She also volunteers at Mokulele Elementary School, where she reads to children, hoping to instill in them a love and passion for reading. She also volunteers at the school’s monthly clean-up efforts and is a phenomenal leader in our community. Ladies and gentlemen, guests, colleagues, please help me in honoring one of this year’s Youth of the Year finalists, Alexis Goodwin.”

Senator Riviere rose to present the following remarks:

“It’s my privilege today to introduce Xavier Garrido. He’s a finalist, and he’s representing U.S. Army Garrison. This fine young man is representing the U.S. Army Garrison, Child & Youth Services at Schofield Barracks. He’s also a member of the Keystone leadership training program. He has served as the sergeant-at-arms from 2015 and 2016, and he is now the Keystone president in his chapter. He’s clearly an accomplished panelist; he’s participated in the Keystone Conference, Pacific Teen Panel, and the Army Teen Panel from 2016 to present. Furthermore, this dynamic young man has spent three years volunteering with Schofield Barracks Youth Center and multiple volunteer service projects with the Army Community Service. Additionally, he’s dedicated time to the Fisher House project, and if you folks recognize that name, the Fisher House does great work around the world taking care of the disabled and people who are injured and getting medical treatment who have served our country, so he’s worked with that. And he’s volunteered locally, of course, but he’s also assisted even in the Yongsan skate park beautification project when he lived in South Korea.

“Xavier Garrido displays so much potential; I’m impressed to see all that he’s done and I’m looking forward to seeing what he will yet accomplish in the life ahead of him. Ladies and gentlemen: Xavier Garrido. Mr. President, if I could also introduce Virginia and Peter Garrido, his parents, who are in the audience. Aloha. And also, some of his mentors and other supporters are in the audience. Thank you, Mr. President.”

Senator Baker rose and stated:

“Thank you, Mr. President. Thank you, colleagues, for all participating in honoring our Youth of the Year finalists. We look forward to finding out who is named Youth of the Year and will represent the State of Hawai‘i in the national competition. You are all very worthy and will represent Hawai‘i well. Good luck to each of you. We are delighted to have you with us in the Senate Chamber. Mahalo.”

At 11:52 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:00 p.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 379 to 383) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 379, informing the Senate that on March 29, 2017, the House disagreed to the amendments proposed by the Senate to H.B. No. 279, H.D. 1 (S.D. 1), was placed on file.

Hse. Com. No. 380, transmitting H.C.R. No. 37, H.D. 1, which was adopted by the House of Representatives on March 29, 2017, was placed on file.

By unanimous consent, H.C.R. No. 37, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION URGING PRIVATE SCHOOLS IN HAWAII TO CONSIDER OFFERING OR CONTINUE OFFERING HAWAIIAN LANGUAGE INSTRUCTION AS AN OPTION OR AN ELECTIVE IN THEIR ACADEMIC CURRICULUM,” was referred to the Committee on Hawaiian Affairs.

Hse. Com. No. 381, transmitting H.C.R. No. 104, which was adopted by the House of Representatives on March 29, 2017, was placed on file.

By unanimous consent, H.C.R. No. 104, entitled: “HOUSE CONCURRENT RESOLUTION EXPRESSING THE SUPPORT OF THE STATE OF HAWAII FOR THE RIGHTS OF THE INDIGENOUS PEOPLE OF NORTH DAKOTA TO PRESERVE THEIR CULTURAL HERITAGE AND ACCESS TO CLEAN WATER,” was referred jointly to the Committee on International Affairs and the Arts and the Committee on Judiciary and Labor.

Hse. Com. No. 382, transmitting H.C.R. No. 125, H.D. 1, which was adopted by the House of Representatives on March 29, 2017, was placed on file.

By unanimous consent, H.C.R. No. 125, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION DECLARING HAWAII TO BE A HO‘OKIPA (WELCOMING) STATE,” was referred jointly to the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Judiciary and Labor.

Hse. Com. No. 383, transmitting H.C.R. No. 187, which was adopted by the House of Representatives on March 29, 2017, was placed on file.

By unanimous consent, H.C.R. No. 187, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CUSTOMS AND BORDER PROTECTION TO ESTABLISH A CREWMEMBER’S VISA FOR FOREIGN CITIZENS WORKING IN THE COMMERCIAL FISHING INDUSTRY,” was referred jointly to the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Judiciary and Labor.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 1261) recommending that H.B. No. 192, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Galuteria and carried, the report of the Committee was adopted and H.B. No. 192, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HOMEOWNERS’ ASSOCIATIONS,” passed Second Reading and was placed on the calendar for Third Reading on Monday, April 3, 2017.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 1262) recommending that H.B. No. 917, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Galuteria and carried, the report of the Committee was adopted and H.B. No. 917, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE,” passed Second Reading and

was placed on the calendar for Third Reading on Monday, April 3, 2017.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 1263) recommending that H.B. No. 91, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Galuteria and carried, the report of the Committee was adopted and H.B. No. 91, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 3, 2017.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 1264) recommending that H.B. No. 239, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Galuteria and carried, the report of the Committee was adopted and H.B. No. 239, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 3, 2017.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 1265) recommending that H.B. No. 563, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Galuteria and carried, the report of the Committee was adopted and H.B. No. 563, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 3, 2017.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 1266) recommending that H.B. No. 1262, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Galuteria and carried, the report of the Committee was adopted and H.B. No. 1262, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER TOUR OPERATORS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 3, 2017.

Senators Shimabukuro and Rhoads, for the Committee on Hawaiian Affairs and the Committee on Water and Land, presented a joint report (Stand. Com. Rep. No. 1267) recommending that S.C.R. No. 7 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1267 and S.C.R. No. 7, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING THE HISTORIC SUCCESS OF COMMUNITY STEWARDSHIP UNDER THE TRADITIONAL KONOHIKI FISHING RIGHTS SYSTEM IN SUSTAINING AN ABUNDANT NEARSHORE ENVIRONMENT AND A THRIVING POPULATION AND CULTURE, AND URGING THE STATE TO SUPPORT THE DEVELOPMENT, ADOPTION, AND IMPLEMENTATION OF CULTURALLY-GROUNDED, COMMUNITY-DRIVEN FISHERIES MANAGEMENT PROPOSALS TO STEWARD, RESTORE, AND PERPETUATE OUR NEARSHORE RESOURCES AND MAINTAIN AND PROTECT

ASSOCIATED CULTURAL TRADITIONS AND VALUES," was deferred until Friday, March 31, 2017.

Senators Kidani and Kaele, for the Committee on Education and the Committee on Higher Education, presented a joint report (Stand. Com. Rep. No. 1268) recommending that S.C.R. No. 162 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1268 and S.C.R. No. 162, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO COORDINATE WITH HIGH SCHOOL ASSOCIATIONS AND HIGHER EDUCATION INSTITUTIONS IN HAWAII AND TO PARTNER WITH DEBATE ORGANIZATIONS IN ORGANIZING EVENTS FOR STUDENTS TO DEBATE ON CURRENT ISSUES AFFECTING HAWAII AND THE NATION," was deferred until Friday, March 31, 2017.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1269) recommending that S.C.R. No. 9, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1269 and S.C.R. No. 9, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO CARRY ON ITS WORK TO BETTER ENGAGE COMMUNITY GROUPS IN THE EDUCATION OF CHILDREN AND YOUTH IN HAWAII'S PUBLIC SCHOOLS," was deferred until Friday, March 31, 2017.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 1270) recommending that S.C.R. No. 32, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1270 and S.C.R. No. 32, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP OF STAKEHOLDERS TO EXAMINE THE NEED FOR POSSIBLE REGULATION AND OVERSIGHT OF AMERICAN SIGN LANGUAGE INTERPRETERS AND AMERICAN SIGN LANGUAGE INTERPRETER REFERRAL AGENCIES IN HAWAII," was deferred until Friday, March 31, 2017.

Senator Keith-Agaran, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1271) recommending that S.C.R. No. 78, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1271 and S.C.R. No. 78, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING APRIL 15 THROUGH APRIL 22, 2018, AS VOLUNTEER WEEK IN THE STATE OF HAWAII," was deferred until Friday, March 31, 2017.

Senator Keith-Agaran, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1272) recommending that S.R. No. 30, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1272 and S.R. No. 30, S.D. 1, entitled: "SENATE RESOLUTION RECOGNIZING APRIL 15 THROUGH APRIL 22, 2018, AS VOLUNTEER WEEK IN THE STATE OF HAWAII," was deferred until Friday, March 31, 2017.

ORDER OF THE DAY

AGREE/DISAGREE

MATTERS DEFERRED FROM WEDNESDAY, MARCH 29, 2017

S.B. No. 335, S.D. 1 (H.D. 1):

By unanimous consent, action on S.B. No. 335, S.D. 1 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM FAMILY LAW ARBITRATION ACT," was deferred until Friday, March 31, 2017.

S.B. No. 488, S.D. 1 (H.D. 1):

By unanimous consent, action on S.B. No. 488, S.D. 1 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO SEARCH WARRANTS," was deferred until Friday, March 31, 2017.

ADOPTION OF A RESOLUTION

MATTER DEFERRED FROM WEDNESDAY, MARCH 29, 2017

Stand. Com. Rep. No. 1172 (S.C.R. No. 77, S.D. 1):

On motion by Senator Espero, seconded by Senator Galuteria and carried, the report of the Committee was adopted and S.C.R. No. 77, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A BONA FIDE AGRICULTURAL PRODUCER TASK FORCE TO CREATE A DEFINITION FOR THE TERM "BONA FIDE AGRICULTURAL PRODUCER"," was adopted.

At this time, Senator Baker rose to speak on a point of personal privilege as follows:

"I rise on a point of personal privilege – my final point, perhaps, since tomorrow is the deadline for receipt of governor's messages appointing worthy individuals to our various boards and commissions, including the ones for professional and vocational licensing. So, I just encourage the governor to get those down because I think it will look really bad if, after the deadline passes or after we go out of session, there's a whole bunch of interim appointments. Thank you, Mr. President."

Senator Kahele rose to speak on a point of personal privilege as follows:

"Mr. President, I will also echo the comments of the senator from Maui. The Senate Committee on Higher Education is also waiting for four nominees to the University of Hawai'i Board of Regents and is also looking forward to those names from the governor's office. Mahalo, Mr. President."

Senator Kidani rose to speak on a point of personal privilege as follows:

"I also echo the comments of our colleague from Maui and my Higher Ed colleague. Mr. President, we are awaiting the nominees for the Board of Education and, I think, with the issues that we have regarding ESSA and what I discussed this morning, it's imperative that we get those names. Thank you, Mr. President."

The Chair thanked the committee chairs and their staff for efficiently submitting all committee reports well before the previous evening's deadline.

ADJOURNMENT

At 12:03 p.m., on motion by Senator Espero, seconded by Senator Galuteria and carried, the Senate adjourned until 11:30 a.m., Friday, March 31, 2017.