

## FIFTY-SIXTH DAY

**Wednesday, April 26, 2017**

The Senate of the Twenty-Ninth Legislature of the State of Hawai'i, Regular Session of 2017, convened at 11:38 a.m. with the President in the Chair.

The Roll was called showing all Senators present.

The President announced that he had read and approved the Journals of the Fifty-Fourth and Fifty-Fifth Days.

**MESSAGE FROM THE GOVERNOR**

The following message from the Governor (Gov. Msg. No. 8) was read by the Clerk and was placed on file:

Gov. Msg. No. 8, letter dated April 21, 2017, transmitting a proposed draft amending S.B. No. 923 to fund the arbitration award concerning Collective Bargaining Unit 11.

**HOUSE COMMUNICATIONS**

The following communications from the House (Hse. Com. Nos. 624 to 628) were read by the Clerk and were placed on file:

Hse. Com. No. 624, informing the Senate that on April 25, 2017, the House agreed to the amendments proposed by the Senate and passed the following bills on Final Reading:

H.B. No. 651, H.D. 2, S.D. 1;  
H.B. No. 849, H.D. 1, S.D. 1; and  
H.B. No. 1418, S.D. 1.

Hse. Com. No. 625, informing the Senate that on April 25, 2017, the House reconsidered its action taken on April 4, 2017, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 91, H.D. 1 (S.D. 1); and  
H.B. No. 1182, H.D. 1 (S.D. 2).

Hse. Com. No. 626, informing the Senate that on April 25, 2017, the House reconsidered its action taken on April 7, 2017, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 605, H.D. 1 (S.D. 1); and  
H.B. No. 1309, H.D. 1 (S.D. 1).

Hse. Com. No. 627, informing the Senate that on April 25, 2017, the House reconsidered its action taken on April 11, 2017, in disagreeing to the amendments proposed by the Senate to H.B. No. 1028, H.D. 2 (S.D. 1).

Hse. Com. No. 628, informing the Senate that on April 25, 2017, the House reconsidered its action taken on April 13, 2017, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 912, H.D. 2 (S.D. 1); and  
H.B. No. 1027, H.D. 1 (S.D. 2).

**CONFERENCE COMMITTEE REPORTS**

Senator Kidani, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 194, presented a report (Conf. Com. Rep. No. 2) recommending that S.B. No. 194, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 2 and S.B. No. 194, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO TUBERCULOSIS TESTING," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 832, H.D. 1, presented a report (Conf. Com. Rep. No. 3) recommending that H.B. No. 832, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 3 and H.B. No. 832, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," was deferred for a period of 48 hours.

**STANDING COMMITTEE REPORTS**

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1736) recommending that the Senate advise and consent to the nomination of JIN CHANG to the Early Learning Advisory Board, in accordance with Gov. Msg. No. 723.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1736 and Gov. Msg. No. 723 was deferred until Thursday, April 27, 2017.

Senator Rhoads, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1737) recommending that the Senate advise and consent to the nominations to the Commission on Water Resource Management of the following:

KAMANAMAICALANI BEAMER, in accordance with Gov. Msg. No. 795; and

PAUL MEYER, in accordance with Gov. Msg. No. 796.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1737 and Gov. Msg. Nos. 795 and 796 was deferred until Thursday, April 27, 2017.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1738) recommending that H.C.R. No. 28 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1738 and H.C.R. No. 28, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ADDITIONAL FUNDING FOR EDUCATION FROM THE UNITED STATES DEPARTMENT OF EDUCATION," was deferred until Thursday, April 27, 2017.

**ORDER OF THE DAY**

**AGREE/DISAGREE**

**MATTERS DEFERRED FROM  
TUESDAY, APRIL 25, 2017**

S.C.R. No. 32, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 32, S.D. 1 (H.D. 1), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF HEALTH, OFFICE OF LANGUAGE ACCESS, AND DISABILITY AND COMMUNICATION ACCESS BOARD JOINTLY 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 Thursday, April 27, 2017.

S.C.R. No. 105, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 105, S.D. 1 (H.D. 1), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS, MUTUAL BENEFIT SOCIETIES, AND HEALTH MAINTENANCE ORGANIZATIONS TO PROVIDE COVERAGE FOR MEDICALLY NECESSARY COGNITIVE REHABILITATION THERAPY FOR SURVIVORS OF TRAUMATIC BRAIN INJURY," was deferred until Thursday, April 27, 2017.

S.C.R. No. 153, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 153, S.D. 1 (H.D. 1), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ISSUE A PROCLAMATION TO DESIGNATE 2018 AS THE YEAR OF THE HAWAIIAN TO CELEBRATE THE ACHIEVEMENTS OF NATIVE HAWAIIANS," was deferred until Thursday, April 27, 2017.

S.C.R. No. 169, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 169, S.D. 1 (H.D. 1), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE TO MODERNIZE ITS DISASTER PREPAREDNESS PLANS," was deferred until Thursday, April 27, 2017.

S.C.R. No. 78, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 78, S.D. 1 (H.D. 1), entitled: "SENATE CONCURRENT RESOLUTION ENDORSING TAIWAN'S PARTICIPATION AS AN OBSERVER IN THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE, INTERNATIONAL CIVIL AVIATION ORGANIZATION, WORLD HEALTH ORGANIZATION, AND INTERNATIONAL CRIMINAL POLICE ORGANIZATION AND SUPPORTING THE 24TH ANNIVERSARY OF SISTER-STATE RELATIONS BETWEEN HAWAII AND TAIWAN," was deferred until Thursday, April 27, 2017.

S.C.R. No. 162 (H.D. 1):

By unanimous consent, action on S.C.R. No. 162 (H.D. 1), entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION, HIGH SCHOOL ASSOCIATIONS, AND HIGHER EDUCATION INSTITUTIONS IN HAWAII IN PARTNERSHIP WITH DEBATE ORGANIZATIONS TO WORK WITH THE HOUSE OF REPRESENTATIVES COMMITTEE ON LEGISLATIVE MANAGEMENT TO PROMOTE EVENTS FOR STUDENTS TO DEBATE ON CURRENT ISSUES AFFECTING HAWAII AND THE NATION," was deferred until Thursday, April 27, 2017.

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 1734 (Gov. Msg. Nos. 781 and 782):

Senator Taniguchi moved that Stand. Com. Rep. No. 1734 be received and placed on file, seconded by Senator Baker and carried.

Senator Taniguchi then moved that the Senate advise and consent to the nominations to the Board of Directors of the Hawai'i Tourism Authority of the following:

KELLY SANDERS, term to expire June 30, 2020 (Gov. Msg. No. 781); and

SHERRY MENOR-MCNAMEARA, term to expire June 30, 2021 (Gov. Msg. No. 782),

seconded by Senator Baker.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Wakai).

Stand. Com. Rep. No. 1735 (Gov. Msg. Nos. 792, 793, and 794):

Senator Kim moved that Stand. Com. Rep. No. 1735 be received and placed on file, seconded by Senator Ruderman and carried.

Senator Kim then moved that the Senate advise and consent to the nominations to the Procurement Policy Board of the following:

GARY KUROKAWA, term to expire June 30, 2020 (Gov. Msg. No. 792);

JAMES MASTIN, term to expire June 30, 2020 (Gov. Msg. No. 793); and

LENA CULLISON, term to expire June 30, 2019 (Gov. Msg. No. 794),

seconded by Senator Ruderman.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Wakai).

At this time, Senator Kim introduced the following newly confirmed members of the Procurement Policy Board: James Mastin, who was present in the gallery with his wife, Joanne; and Lena Cullison, who was present in the gallery with her husband, Douglas.

#### ADOPTION OF RESOLUTIONS

##### MATTERS DEFERRED FROM TUESDAY, APRIL 25, 2017

Stand. Com. Rep. No. 1723 (H.C.R. No. 55):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and H.C.R. No. 55, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO REVIEW GUN AMNESTY PROGRAMS IN OTHER STATES AND THEIR POTENTIAL APPLICABILITY IN THIS STATE," was adopted.

Stand. Com. Rep. No. 1724 (H.C.R. No. 133):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and H.C.R. No. 133, entitled: "HOUSE CONCURRENT RESOLUTION URGING LAW ENFORCEMENT AGENCIES TO FOLLOW THE GUIDELINES DEVELOPED BY THE MALAMA KAKOU PROJECT FOR THE TESTING OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS AND REQUESTING AN ANNUAL REPORT FROM THE DEPARTMENT OF THE ATTORNEY GENERAL ON THE TESTING OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS IN THE STATE," was adopted.

Stand. Com. Rep. No. 1725 (H.C.R. No. 134, H.D. 1):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and H.C.R. No. 134, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO CONVENE A TASK FORCE TO EXAMINE AND MAKE RECOMMENDATIONS REGARDING CRIMINAL PRETRIAL PRACTICES AND PROCEDURES TO

MAXIMIZE PUBLIC SAFETY, MAXIMIZE COURT APPEARANCES, AND MAXIMIZE PRETRIAL RELEASE OF THE ACCUSED AND PRESUMED INNOCENT,” was adopted.

Stand. Com. Rep. No. 1726 (H.C.R. No. 158):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and H.C.R. No. 158, entitled: “HOUSE CONCURRENT RESOLUTION ENCOURAGING THE CONTINUATION AND EXPANSION OF COMMUNITY-BASED WORK FURLOUGH PROGRAMS TO ASSIST FEMALE INMATES TRANSITION BACK INTO SOCIETY,” was adopted.

Stand. Com. Rep. No. 1727 (H.C.R. No. 157, H.D. 1):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and H.C.R. No. 157, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE CORRECTIONAL JUSTICE TASK FORCE CONTINUE ITS STUDY OF EFFECTIVE INCARCERATION POLICIES TO REDUCE THE DETAINEE AND INMATE POPULATION WHILE PRESERVING PUBLIC SAFETY, LOWER RECIDIVISM, AND IMPROVE HAWAII’S CORRECTIONAL SYSTEM,” was adopted.

Stand. Com. Rep. No. 1728 (H.C.R. No. 129):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and H.C.R. No. 129, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP TO DEVELOP RECOMMENDATIONS TO INCREASE COLORECTAL CANCER SCREENING RATES IN THE STATE,” was adopted.

Stand. Com. Rep. No. 1729 (H.C.R. No. 161):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and H.C.R. No. 161, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A WORKING GROUP RELATING TO COMPLEX PATIENTS,” was adopted.

Stand. Com. Rep. No. 1730 (H.C.R. No. 47):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and H.C.R. No. 47, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF TRANSPORTATION CONDUCT A STUDY ON THE NEED AND FEASIBILITY OF ESTABLISHING A GOVERNMENT-SUBSIDIZED FERRY SERVICE BETWEEN THE ISLANDS OF MAUI AND MOLOKAI,” was adopted.

Stand. Com. Rep. No. 1731 (H.C.R. No. 67):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and H.C.R. No. 67, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONSTRUCT A ROUNDABOUT AT THE INTERSECTION OF KAMEHAMEHA HIGHWAY AND KAHEKILI HIGHWAY IN KAHALU‘U ON THE ISLAND OF OAHU,” was adopted.

Stand. Com. Rep. No. 1732 (H.C.R. No. 113, H.D. 1):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and H.C.R. No. 113, H.D. 1, entitled: “HOUSE CONCURRENT

RESOLUTION CALLING ON THE FEDERAL GOVERNMENT AND STATES TO LOWER COSTS FOR CONSUMERS, CREATE MORE JOBS, AND REDUCE THE IMPACTS OF CLIMATE CHANGE ON THE ECONOMY BY REPLACING FOSSIL FUELS WITH RENEWABLE ENERGY,” was adopted.

Stand. Com. Rep. No. 1733 (H.C.R. No. 143):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and H.C.R. No. 143, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DEVELOP A MASTER PLAN FOR THE HILO INTERNATIONAL AEROSPACE AND TECHNOLOGY PARK,” was adopted.

#### RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 410, S.D. 1 (H.D. 1):

Senator Keith-Agaran moved that the Senate reconsider its action taken on April 7, 2017, in disagreeing to the amendments proposed by the House to S.B. No. 410, S.D. 1, seconded by Senator Tokuda and carried.

Senator Keith-Agaran then moved that the Senate agree with the amendments proposed by the House to S.B. No. 410, S.D. 1, seconded by Senator Tokuda.

Senator Keith-Agaran noted:

“Yes, Mr. President. The only change that they made to the Senate draft was an effective date.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 410, S.D. 1, and S.B. No. 410, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING,” was placed on the calendar for Final Reading on Thursday, April 27, 2017.

#### APPOINTMENT OF CONFEREES

S.B. No. 562, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 562, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Nishihara, chair; Keith-Agaran, co-chair; Wakai as manager on the part of the Senate at such conference.

#### ADJOURNMENT

At 11:43 a.m., on motion by Senator Espero, seconded by Senator English and carried, the Senate adjourned until 6:30 p.m., Thursday, April 27, 2017.