

SECOND DAY

Thursday, January 18, 2018

The Senate of the Twenty-Ninth Legislature of the State of Hawai'i, Regular Session of 2018, convened at 11:33 a.m. with the President in the Chair.

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

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

At this time, Senator Harimoto welcomed a group of student council members from Waimalu Elementary School, who were seated in the gallery with counselors Jeanne Yamane and Deanne Fu.

The Chair observed that there was one young gentleman serving on the student council among the majority of strong young women, echoing Senator Baker's remarks during the Moment of Contemplation prior to the Senate's floor session.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 229 to 264) were read by the Clerk and were placed on file:

Dept. Com. No. 229, from the Department of Accounting and General Services dated December 8, 2017, transmitting the Annual Report on the Enhanced 9-1-1 Board for the period July 1, 2016 through June 30, 2017, pursuant to Section 138-6, HRS.

Dept. Com. No. 230, from the Department of Commerce and Consumer Affairs dated December 18, 2017, transmitting the Annual Report on the Medical Inquiry and Conciliation Panel and Design Claim Conciliation Panel pursuant to Sections 671-20 and 672B-17, HRS.

Dept. Com. No. 231, from the Department of Taxation dated December 21, 2017, transmitting the following reports: 2016-2017 Annual Report pursuant to Section 231-3(8), HRS; 2015 Hawaii Individual Income Tax Statistics pursuant to Section 231-3.4(a)(1), HRS; 2015 Hawaii Business Income Tax Statistics pursuant to Section 231-3.4(a)(2), HRS; 2015 Tax Credits Claimed by Hawaii Taxpayers pursuant to Section 231-3.4(a)(3), HRS; 2017 Hawaii General Excise and Use Tax Exemptions pursuant to Section 231-3.4(a)(4), HRS; 2017 Electronic Funds Transfer Penalty Payments Report pursuant to Section 231-9.9, HRS; and 2018 Goals and Objectives pursuant to Act 100, SLH 1999.

Dept. Com. No. 232, from the Oahu Metropolitan Planning Organization dated December 22, 2017, transmitting the FY2017 Annual Report pursuant to Chapter 279D, HRS.

Dept. Com. No. 233, from the Department of Human Resources Development dated December 22, 2017, transmitting the State of Hawaii Executive Branch Workforce Profile pursuant to Section 76-1.5, HRS.

Dept. Com. No. 234, from the Department of Land and Natural Resources dated December 22, 2017, transmitting a compact disc of the report, "Accounting of All Receipts from Lands Described in Section 5(f) of the Admission Act for Fiscal Year 2016-2017" pursuant to Act 178, Section 5, SLH 2006.

Dept. Com. No. 235, from the Department of Accounting and General Services dated December 22, 2017, transmitting the Draft Information and Privacy Security Council Annual Summary Report pursuant to 487N-5(d), HRS.

Dept. Com. No. 236, from the Department of Transportation dated December 27, 2017, transmitting the Project Adjustment Fund Report pursuant to Act 29, SLH 2017.

Dept. Com. No. 237, from the Department of Business, Economic Development, and Tourism dated December 22, 2017, transmitting the 2017 Hawaii Technology Development Corporation Annual Report pursuant to Section 206M-3.5, HRS.

Dept. Com. No. 238, from the Department of Transportation dated December 28, 2017, transmitting the Feasibility Study on Inter-Island and Intra-Island Ferry Systems pursuant to Act 196, SLH 2016 and H.C.R. No. 47 (2017).

Dept. Com. No. 239, from the Department of Labor and Industrial Relations dated December 28, 2017, transmitting the Wage Claim Fund Account Report for the fiscal year ending June 30, 2017, pursuant to Section 37-47, HRS.

Dept. Com. No. 240, from the Department of Labor and Industrial Relations dated December 28, 2017, transmitting the Non-Profit Employers Deposit Account Report for the fiscal year ending June 30, 2017, pursuant to Section 37-47, HRS.

Dept. Com. No. 241, from the Department of Labor and Industrial Relations dated December 28, 2017, transmitting the Boiler and Elevator Special Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 242, from the Department of Labor and Industrial Relations dated December 28, 2017, transmitting the Annual Evaluation of the Hawaii Unemployment Compensation Trust Fund Report for the fiscal year ending June 30, 2017, pursuant to Section 37-47, HRS.

Dept. Com. No. 243, from the Department of Labor and Industrial Relations dated December 28, 2017, transmitting the Unemployment Insurance Special Fund Report for the fiscal year ending June 30, 2017, pursuant to Section 383-127, HRS.

Dept. Com. No. 244, from the Department of Labor and Industrial Relations dated December 28, 2017, transmitting the Unemployment Insurance Trust Fund Report for the fiscal year ending June 30, 2017, pursuant to Sections 37-47 and 37-52.5, HRS.

Dept. Com. No. 245, from the Department of Health dated December 28, 2017, transmitting the Annual Report on Dental Health Activities, Expenditures, and Recommendations pursuant to Section 321-63, HRS.

Dept. Com. No. 246, from the Department of Health dated December 28, 2017, transmitting the Annual Report on the Activities under the Neurotrauma Special Fund pursuant to Section 321H-4, HRS.

Dept. Com. No. 247, from the Department of Health dated December 29, 2017, transmitting the Annual Report on the Numbers of Persons Waiting for Developmental Disability or Intellectual Disabilities Services and Supports pursuant to Section 333F-6, HRS.

Dept. Com. No. 248, from the Department of Health dated December 29, 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. 249, from the Department of Health dated January 2, 2018, transmitting the report on the Sanitation Branch Annual Audit and Environmental Health Special Fund pursuant to Chapters 321-27 and 321-27.5, HRS.

Dept. Com. No. 250, from the Department of Health dated January 2, 2018, transmitting the State Council on Mental Health Annual Report on Implementation of the State Plan pursuant to Section 334-10(e), HRS.

Dept. Com. No. 251, from the Department of Health dated January 2, 2018, transmitting the Annual Report on Mental Health and Substance Abuse Special Fund pursuant to Section 334-15, HRS.

Dept. Com. No. 252, from the Department of Health dated January 2, 2018, transmitting the Annual Report Relating to Progress Implementing the Administrative Process Established by Act 111 pursuant to Act 111, SLH 2017 and Chapter 334, HRS.

Dept. Com. No. 253, from the Department of Health dated January 2, 2018, transmitting the Annual Report Summarizing Yearly Data on Forensic Patients at Hawai'i State Hospital pursuant to Section 334-16, HRS.

Dept. Com. No. 254, from the Office of the Ombudsman dated January 5, 2018, transmitting the Office of the Ombudsman, Report Number 48 pursuant to Section 96-16, HRS.

Dept. Com. No. 255, from the University of Hawai'i System dated January 5, 2018, transmitting the Report on the Task Force to Access Current Elder and Kupuna Care Services pursuant to H.C.R. No. 35, H.D. 1, S.D. 1 (2017).

Dept. Com. No. 256, from the Office of Hawaiian Affairs dated January 5, 2018, transmitting its 2017 Annual Report pursuant to Section 10-15, HRS.

Dept. Com. No. 257, from the Department of Business, Economic Development, and Tourism dated December 28, 2017, transmitting the Hawaii Interagency Council for Transit-Oriented Development Annual Report pursuant to Section 226-63(b)(9), HRS.

Dept. Com. No. 258, from the Department of Business, Economic Development, and Tourism dated December 28, 2017, transmitting the 2017 State of Hawaii Overseas Offices' Annual Report pursuant to Section 201-84, HRS.

Dept. Com. No. 259, from the Department of Human Services dated January 3, 2018, transmitting the following reports: Report on the Spouse and Child Abuse Special Account pursuant to Section 346-7.5, HRS; and Report on the Hawaii Interagency Council on Homelessness pursuant to Section 346-381(9), HRS.

Dept. Com. No. 260, from the Office of the Auditor dated January 3, 2018, transmitting the Audit of the Hawai'i State Energy Office (Report No. 18-01) pursuant to Article VII, Section 10, of the State Constitution, and Section 23-4, HRS.

Dept. Com. No. 261, from the Department of Labor and Industrial Relations dated December 28, 2017, transmitting the Hawaii Civil Rights Commission Annual Report pursuant to Sections 368-3, 368-4, and 515-9, HRS.

Dept. Com. No. 262, from the Department of Labor and Industrial Relations dated December 28, 2017, transmitting its Annual Report for the fiscal year ending June 30, 2017, pursuant to Act 100, SLH 1999.

Dept. Com. No. 263, from the Department of Labor and Industrial Relations dated December 28, 2017, transmitting the Annual Report of the Agriculture Workforce Development Pipeline Initiative for the fiscal year ending June 30, 2017, pursuant to Act 229, SLH 2016.

Dept. Com. No. 264, from the Department of Health dated January 4, 2018, transmitting the State Health Planning and

Development Agency Report on the Progress of Establishing an All-Payer Claims Database for the State of Hawaii pursuant to Section 323D-18.5(k), HRS.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 1 and 2) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 1, transmitting H.C.R. No. 1, which was adopted by the House of Representatives on January 17, 2018, was placed on file.

On motion by Senator Espero, seconded by Senator English and carried, H.C.R. No. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO RECESS DAYS FOR THE REGULAR SESSION OF 2018," was adopted.

Hse. Com. No. 2, transmitting H.C.R. No. 2, which was adopted by the House of Representatives on January 17, 2018, was placed on file.

On motion by Senator Espero, seconded by Senator English and carried, H.C.R. No. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION," was adopted.

INTRODUCTION OF SENATE BILLS

On motion by Senator Espero seconded by Senator English and carried, the following bills passed First Reading by title and were deferred:

S.B. No. 2032 "A BILL FOR AN ACT RELATING TO ADMINISTRATION OF JUSTICE."

Introduced by: Senator English.

S.B. No. 2033 "A BILL FOR AN ACT RELATING TO ETHICS."

Introduced by: Senator English.

S.B. No. 2034 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."

Introduced by: Senator English.

S.B. No. 2035 "A BILL FOR AN ACT RELATING TO CRIME."

Introduced by: Senator English.

S.B. No. 2036 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senator English.

S.B. No. 2037 "A BILL FOR AN ACT RELATING TO THE JUDICIARY."

Introduced by: Senator English.

S.B. No. 2038 "A BILL FOR AN ACT RELATING TO INTERNATIONAL AFFAIRS."

Introduced by: Senator English.

S.B. No. 2039 "A BILL FOR AN ACT RELATING TO THE ARTS."

Introduced by: Senator English.

S.B. No. 2040 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senator English.

S.B. No. 2041 "A BILL FOR AN ACT RELATING TO LABOR."
 Introduced by: Senator English.

S.B. No. 2042 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."
 Introduced by: Senator English.

S.B. No. 2043 "A BILL FOR AN ACT RELATING TO PRIVATE ROADS."
 Introduced by: Senator Rhoads.

S.B. No. 2044 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV, SECTION 2, OF THE HAWAII STATE CONSTITUTION TO ADDRESS THE SELECTION OF MEMBERS OF THE REAPPORTIONMENT COMMISSION."
 Introduced by: Senators Rhoads, Keith-Agaran, Taniguchi.

S.B. No. 2045 "A BILL FOR AN ACT RELATING TO EMPLOYMENT."
 Introduced by: Senators Rhoads, Keith-Agaran, Shimabukuro.

S.B. No. 2046 "A BILL FOR AN ACT RELATING TO FIREARMS."
 Introduced by: Senators Rhoads, Chang, Keith-Agaran, Nishihara, Shimabukuro.

S.B. No. 2047 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."
 Introduced by: Senators Rhoads, Nishihara, Harimoto.

S.B. No. 2048 "A BILL FOR AN ACT RELATING TO PROPRIETARY INTEREST PROTECTION AGREEMENTS."
 Introduced by: Senators Rhoads, Keith-Agaran.

S.B. No. 2049 "A BILL FOR AN ACT RELATING TO CANCER RESEARCH."
 Introduced by: Senators Rhoads, Baker, Harimoto.

S.B. No. 2050 "A BILL FOR AN ACT RELATING TO PERSONS WITH DISABILITIES."
 Introduced by: Senators Rhoads, Baker, Green.

S.B. No. 2051 "A BILL FOR AN ACT RELATING TO EDUCATION."
 Introduced by: Senators Shimabukuro, Chang, Gabbard, Harimoto, Kidani, Dela Cruz, English, Galuteria, Inouye, Kaele, Keith-Agaran, Kim, Nishihara, Taniguchi, Wakai.

S.B. No. 2052 "A BILL FOR AN ACT RELATING TO FISHING."
 Introduced by: Senators Rhoads, Chang.

S.B. No. 2053 "A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS."
 Introduced by: Senators Baker, Gabbard, Inouye, Galuteria, Ihara, Kim, Nishihara, Shimabukuro.

S.B. No. 2054 "A BILL FOR AN ACT RELATING TO CONDOMINIUMS."

Introduced by: Senators Baker, Espero, Gabbard, Galuteria, Inouye, Chang, Harimoto, Ihara, Kim, Shimabukuro.

S.B. No. 2055 "A BILL FOR AN ACT RELATING TO THE EXECUTIVE BRANCH."
 Introduced by: Senators Baker, English, Gabbard, Galuteria, Harimoto, Ihara, Inouye, Kim, Rhoads, Chang, Green, Shimabukuro.

S.B. No. 2056 "A BILL FOR AN ACT RELATING TO HEALTH."
 Introduced by: Senators Baker, Chang, English, Espero, Harimoto, Inouye, Kidani, Rhoads, Ruderman, Gabbard, Galuteria, Ihara, Nishihara.

S.B. No. 2057 "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION."
 Introduced by: Senators Baker, Chang, English, Espero, Keith-Agaran, Kidani, Kim, Ruderman, Tokuda, Gabbard, Green, Harimoto, Ihara, Inouye, Riviere, Taniguchi.

S.B. No. 2058 "A BILL FOR AN ACT RELATING TO PRIVATE DETECTIVES AND GUARDS."
 Introduced by: Senators Baker, Gabbard, Galuteria, Harimoto, Inouye, Nishihara, Ruderman, Chang, Green, Ihara, Shimabukuro, Taniguchi, Thielen.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 1) was read by the Clerk and was deferred:

S.C.R. No. 1 "SENATE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII TO REVIEW AND UPDATE ITS TELECOMMUNICATION DEVICES AND ACCESS FOR THE DEAF, INDIVIDUALS WITH HEARING DISABILITIES, AND INDIVIDUALS WITH SPEECH DISABILITIES."

Offered by: Senators Rhoads, Green.

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Offered by: Senators Rhoads, Baker, Green.

At 11:37 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:38 a.m.

At this time, the Chair directed Senator Taniguchi to proceed with a late introduction.

Senator Taniguchi then introduced guests from the National Conference of State Legislatures, who were seated in the gallery: Hawai'i liaison Corina Eckl and National Asian Pacific Americans Caucus staffer Irene Kawanabe.

Senator Shimabukuro invited the members to partake of the haupia that was available in the Majority Caucus Room, courtesy of Leimomi Kahn and the Hawaiian Affairs Caucus.

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

“Last night I attended the Anne Frank exhibition at the East-West Center. It was hosted by Henk Rogers and Maya Soetoro-Ng. It was very moving and I urge all my colleagues to attend if you get a chance. As the child of a man and woman who fled from and then fought the Nazis, this was very close to home for me. One theme we heard was ‘Don’t be silent! The silence of ordinary people allowed the Holocaust to happen.’ Martin Luther King reminded me last weekend: ‘We begin to die when we remain silent about important matters.’

“On Saturday, we all got a wake-up call. There’s been much discussion since about the alarm, and this discussion is necessary and appropriate, but I am concerned that few are talking about the reason for the alarm, the big picture. The reason we are on hair-trigger alert status, the reason we have a special new alarm system, and the reason we all took it so seriously is the real threat of war, which was not turned off on Saturday. There is more concern for the alarm than for the real danger, which remains unabated! Hawai‘i may pay the first price for such a war, but the whole world will be harmed. We seem willing to prepare for a war but not willing to prevent it! (As if there’s such a thing as preparing for nuclear war.) We are unnecessarily at the brink of war not with any one nation but with any of a dozen nations. We’ve been brought to this dangerous place by the childish ravings of one man who is profoundly unfit for the office he holds and who must not be allowed to destroy our country and our planet.

“I call upon our congressional delegation to demand impeachment now for the sake of our safety and the very lives of our children. Only then – **only then** – can we return to a sense of basic safety. It’s absurd to be politely silent in the face of this real and urgent danger. I, for one, will no longer be silent. I hope you will join your voices with me before it’s too late. Mahalo.”

ADJOURNMENT

At 11:42 a.m., on motion by Senator Espero, seconded by Senator English and carried, the Senate adjourned until 11:30 a.m., Friday, January 19, 2018.