

THIRTY-THIRD DAY

Monday, March 19, 2018

The Senate of the Twenty-Ninth Legislature of the State of Hawai'i, Regular Session of 2018, convened at 11:39 a.m. with the President in the Chair.

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

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

At this time, Senator Espero recognized Kaniala Peters Clark, a senior at James Campbell High School whose interests include government and politics, who was spending his spring break as a volunteer in Senator Espero's office.

Senator Keith-Agaran introduced friends Mike Shimei and his sister, Barbara Shimei, and John Gasidlo, who were accompanied in the gallery by Senator Keith-Agaran's wife, Kallie.

Senator Gabbard recognized and honored Hui O Ho'ohonua (HOH808), and presented the following remarks:

"Colleagues and guests, it's my honor and pleasure to introduce the Hui O Ho'ohonua (HOH808), a 501(c)(3) nonprofit community development networking organization that is restoring the land surrounding Pu'uloa and the Pearl Harbor and neighboring 'Ewa moku to once again provide food. 'Pu'uloa' refers not just to the main mountain surrounding Pearl Harbor but to the waters that feed it. 'Ewa is the only moku where the rivers of all 12 of its ahupua'a converge into one place: Pearl Harbor. Historically, this area was 'aina momona, or 'abundant land,' and, as a side note, it's interesting that the Hawaiian concept of 'aina momona can be likened to the biblical expression of 'the land flowing with milk and honey.' Thus, HOH808's vision of a Pu'uloa as a land plentiful with lo'i, fishponds, and sustainable community gardens seeks to inspire all that they do. Hui O Ho'ohonua also envisions their efforts as a way to address existing hazards to human health caused by pollution over the last 100 years.

"Folks, these may seem like challenging tasks to accomplish, and they are. But would we expect anything less from an organization whose mission statement is 'Impossible is where we start'? That is actually their mission statement: Impossible is where we start. And how, you may ask, does one accomplish the impossible? By practicing HOH808's core values, which are, first, maintaining the faith of a child in accomplishing the impossible; second, honoring every citizen with dignity and selfless service; and, third, conducting business ethically and professionally with integrity. As a centralized hub, HOH808 initiates, administers, operates, and maintains a network connecting all levels of the community to accomplish sustainable community development initiatives, such as modernizing alternate transportation corridors, completing restoration of contaminated ecosystems, and the reutilization of stormwater runoff. HOH808's core values motivate them to strive for the impossible. Their hard work, determination, and aloha resulted last October in the official renaming of the former West Loch Shoreline Park to Kapapahu Point Park, serving to initiate the healing process caused by years of sacred-site desecration. HOH808's work at Kapapahu includes restoration of the park's entire shoreline area, its wahi pana, and the three Apokeo fishponds. These sites will be used to educate the community of the cultural importance of the fishponds and the wahi pana and the impact their restoration will have on future generations. Other significant HOH808 accomplishments

include a community Pu'uloa bike path cleanup event, a collaborative effort to restore Loko Pa'aiau fishpond, and a meta-study of existing research and planning initiatives for the Pu'uloa region.

"In closing, we'd be remiss to not celebrate their recent accomplishment in the introduction of House Concurrent Resolution 214, introduced by Representative Ty Cullen, which recognizes the 30-day period from the last Saturday in September to the last Sunday in October as Malama Pu'uloa Month, celebrating one of the first settlement sites on O'ahu. If passed, Malama Pu'uloa Month would be an island-wide community celebration of the sacred waters of Pu'uloa, celebrating not only Pu'uloa herself but all that she touches, including the streams and marshes that surround the sacred waters. The month-long celebration seeks to educate the community on Pu'uloa's rich and culturally significant history; educate a generation in a collaborative approach with public and private organizations within the community to come up with the best solutions for the clean-up of Pu'uloa; encourage everyone island-wide to learn the mo'olelo of Pu'uloa so that they may attain a deeper connection with whatever part of the island that they're from; and, lastly, this would culminate in a festival at Kapapahu Point Park.

"And so, I'll introduce Tony Chance, executive director; Sandy Webb, chair of the board of directors; Heath Todd, vice president; Carena Phillips, visual communications; and Trey Lima, project leader. Jordan Muratsuchi, the outreach coordinator, could not be here today because of sickness. So the Hawai'i State Senate hereby honors and commends Hui O Ho'ohonua – mahalo to executive director Tony Chance and the entire HOH808 team for being guardians of Pu'uloa. Your attitude of taking on the impossible and persevering with faith, honor, and integrity should be an inspiration for all in achieving good for the community, ecosystem, and culture. Please give them another hand, and thank you."

At 11:47 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:52 a.m.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 357 to 359) were read by the Clerk and were placed on file:

Dept. Com. No. 357, from the Office of Enterprise Technology Services dated February 22, 2018, transmitting the Annual Summary Report of the Information Privacy and Security Council pursuant to Section 487N-5(d), HRS.

Dept. Com. No. 358, from the Office of the Auditor dated March 7, 2018, transmitting the Hawai'i 2050 Sustainability Plan – Ten Year Measurement Update Report pursuant to Act 8, SLH 2005.

Dept. Com. No. 359, from the Department of Business, Economic Development, and Tourism dated February 23, 2018, transmitting the Natural Energy Laboratory of Hawaii Authority Fiscal Year 2015-2016 Annual Report pursuant to Chapter 227D, HRS.

JUDICIARY COMMUNICATION

The following communication from the Judiciary (Jud. Com. No. 5) was read by the Clerk and was placed on file:

Jud. Com. No. 5, dated February 7, 2018, transmitting its Annual Report.

STANDING COMMITTEE REPORTS

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 2958) recommending that H.B. No. 1653, H.D. 2 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 H.B. No. 1653, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," 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. 2959) recommending that H.B. No. 1944, H.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 H.B. No. 1944, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FILIPINO VETERANS BURIAL ASSISTANCE," 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. 2960) recommending that H.B. No. 2181, H.D. 1 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and H.B. No. 2181, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEARL HARBOR REMEMBRANCE DAY," passed Second Reading and was referred to the Committee on Judiciary.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 2961) recommending that H.B. No. 2393, H.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 H.B. No. 2393, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY," 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. 2962) recommending that H.B. No. 2631, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Health.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and H.B. No. 2631, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ELECTRONIC PRESCRIPTION ACCOUNTABILITY SYSTEM," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Health.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 2963) recommending that H.B. No. 2697, H.D. 2 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 H.B. No. 2697, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," 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. 2964) recommending that H.B. No. 2693, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and H.B. No. 2693, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Judiciary.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 2965) recommending that H.B. No. 2538, H.D. 1, 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 H.B. No. 2538, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 2966) recommending that H.B. No. 2462, H.D. 1, 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 H.B. No. 2462, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX EXEMPTION," 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. 2967) recommending that H.B. No. 2739, H.D. 1 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and H.B. No. 2739, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 2968) recommending that H.B. No. 2133, H.D. 1 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and H.B. No. 2133, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POLICE DEPARTMENTS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kim, for the majority of the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 2969) recommending that H.B. No. 71, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Espero, seconded by Senator English and carried, the report of the majority of the Committee was adopted and H.B. No. 71, H.D. 1, S.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO ETHICS,” passed Second Reading and was referred to the Committee on Judiciary.

Senator Kim, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 2970) recommending that H.B. No. 2055, H.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 H.B. No. 2055, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROCUREMENT,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 2971) recommending that H.B. No. 1709, H.D. 1, 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 H.B. No. 1709, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO GRANTS,” passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

REFERRAL OF A SENATE CONCURRENT RESOLUTION

The President made the following committee assignment of a Senate concurrent resolution offered on Wednesday, February 21, 2018:

- S.C.R. No.: Referred to:
- S.C.R. No. 31 Committee on Judiciary, then to the Committee on Ways and Means

REFERRAL OF A SENATE RESOLUTION

The President made the following committee assignment of a Senate resolution offered on Wednesday, February 21, 2018:

- S.R. No.: Referred to:
- S.R. No. 15 Committee on Judiciary, then to the Committee on Ways and Means

RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bills that were received:

- H.B. No.: Re-referred to:
- H.B. No. 725, H.D. 2 Jointly to the Committee on Transportation and Energy and the Committee on Ways and Means
- H.B. No. 1249, H.D. 3 Jointly to the Committee on Transportation and Energy and the Committee on Ways and Means

RE-REFERRAL OF A SENATE RESOLUTION

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

- S.R. No.: Re-referred to:
- S.R. No. 42 Jointly to the Committee on Hawaiian Affairs and the Committee on Water and Land, then to the Committee on Judiciary

At this time, Senator Baker encouraged the members to participate in the Women’s Legislative Caucus’s annual Easter basket donation drive.

Senator Green, Chair of the Committee on Human Services, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. No. 1812, H.D. 3.

Senator Green noted:

“This bill, Mr. President, is Relating to Health, and it authorizes a healthcare surrogate to assist a patient in filling out Medicaid applications. We had a recent re-referral, and that’s the reason.”

The Chair granted the waiver.

Senator Green announced that the Committee on Human Services would be holding a public hearing on H.B. No. 1812, H.D. 3 on Wednesday, March 21, 2018, at 2:45 p.m. in Conference Room 016.

Senator Wakai informed the members that it was Manufacturing Day at the State Capitol, with exhibits on display from 20 companies that manufacture food, technology, and other products. Senator Wakai noted that manufacturing accounted for over \$2 billion in exports the previous year, and invited the members to a luncheon in Room 429 at 12:30 p.m.

Senator Kim acknowledged that it was Women in Public Office Day, celebrated across the country together with the National Foundation for Women Legislators, and congratulated and thanked her women colleagues for their service. Senator Kim noted that the Senate had passed a concurrent resolution recognizing this day, but the House of Representatives had not yet passed it.

The Chair then, in good humor, congratulated the efficient women of the Senate.

Senator Kidani announced that floor presentations honoring the 2018 Teachers of the Year would take place the following day, with more activities relating to Education Week to follow.

The Chair shared that the Student Television Network held its 2018 convention in Nashville, Tennessee, that weekend, and extended congratulations to all the schools who won awards, including Kaua’i’s Chiefess Kamakahelei Middle School.

ADJOURNMENT

At 11:57 a.m., on motion by Senator Espero, seconded by Senator English and carried, the Senate adjourned until 11:30 a.m., Tuesday, March 20, 2018.