

## THIRTY-FOURTH DAY

Tuesday, March 20, 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 Senator Harimoto who was excused.

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

At this time, Senator Rhoads recognized the Youth Council of the Coalition for a Tobacco-Free Hawai'i, who were visiting the State Capitol to support S.B. No. 2304, to reduce the number of tobacco outlets near schools, and S.B. No. 2654, to regulate vape products in Hawai'i. The students present in the gallery included: Andrew Ines, Carlos Villanueva, and David Weires from Kapolei High School; Sara Kay from Punahou School; Daniell Washington from James Campbell High School; Napua Canales and Ridge Jenkins from Kaua'i High School; Keilyn Paleracio from Kapa'a High School; Jenyka Agustin, Katelin Paderan, and Princess Fatimah Rasalan from Kea'au High School; Magedlynn Anuntak and Moo Moo Fautanu from Konawaena High School; Isabelle Collier from Henry Perrine Baldwin High School; Kaiyle Okada from Maui High School; Kekia'i Hamakua, Kamaehu Kuoha, and Kyden Sasada from Moloka'i Middle School; Hokulele Horswill-Carroll from Moloka'i High School; and Maile Laporga from Lāna'i High & Elementary School.

Senator Taniguchi introduced the following members of Boy Scout Troop 35: fourth-grade students Xander Nakamura, Jacob Miyamoto, Ethilion Trawick, and Allven Luo; and middle school students Robbie Crouch, Curtis Yau, and Tayten Yau. The Scouts were seated in the gallery with chaperones Mark Miyamoto, Bert Nakamura, Erein Trawick, and Lisa Chun.

Senator Dela Cruz recognized employees of the Wahiawā Center for Community Health, a Federally Qualified Health Center that serves residents of Wahiawā, Mililani, Waialua, and Kunia, providing comprehensive and quality primary care and social services to all patients who seek their assistance. The employees were visiting legislators to advocate for the medical needs of Central O'ahu; Senator Dela Cruz encouraged the members and their staff to meet with the employees and volunteers in Conference Room 437.

Senator Rhoads extended an additional welcome to Jessica Yamauchi and Trish La Chica from the Hawai'i Public Health Institute, who were accompanying the Youth Council of the Coalition for a Tobacco-Free Hawai'i in the gallery.

Senator English acknowledged members of his office staff, who were seated in the gallery: Aunty Libby Suyat-Kimball, Sharon Lum Ho, and Cissy Kapi'olani Rees.

Senator English then extended an additional welcome to members of the Coalition for a Tobacco-Free Hawai'i from Hāna, who were present in the gallery.

Senator Kidani commended the Department of Education's 2018 Teachers of the Year, and presented the following remarks:

"Colleagues, this week we will be recognizing excellence in our public schools with an opportunity to meet teachers and students who have been singled out for their achievements. I can think of no better way to begin than by introducing the Department of Education's 2018 Teachers of the Year. Each year, dozens of candidates are nominated by their peers and administrators to recognize the contributions they make to our public schools, our students, their colleagues, and our

communities. Nominees are reviewed through a rigorous process that examines their ability to inspire students to learn and their work that earns respect among students, parents, and peers. Next to parents and grandparents, the adults who play the biggest part in the lives of our keiki are their classroom teachers. For several hours every day, we entrust our youngsters to their expertise and care. The importance of helping to train teachers, supporting their work in the classroom and after hours, and making sure they know we appreciate their work cannot be overstated. And, this morning, we want to make sure that our guests here with us on the floor know that we appreciate their passion for teaching and their commitment to their students. Five of this year's distinguished teachers are with us today; the three who were not able to join us are at spring break workshops or tending to family matters. To begin our introductions and presentations, I yield the floor to Senator Espero."

Senator Espero presented the following remarks:

"Mr. President, colleagues, and guests: I am proud and honored to introduce this year's 2018 Strive HI Teacher of the Year, Ms. Vanessa Ching, of Ewa Makai Middle School. In recognition of outstanding teachers who succeed in providing high-quality learning opportunities for their students, Strive HI annually selects from its ranks those who demonstrate personal excellence, collaborative leadership, cutting-edge curriculum instruction and assessment, and personify the excellence in their school. Every student and teacher at Ewa Makai would agree that this aptly describes Vanessa both personally and professionally. Her work has been described as 'developing a culture of environmentally conscious students, community members, and parents.' Vanessa is a National Board Certified elementary and special education teacher who has honorably taught within the Hawai'i DOE for 14 years. Vanessa Ching holds many positions at Ewa Makai Middle School, including Green Program coordinator, yearbook advisor, as well as student activities coordinator. Her advocacy and lessons in Green Initiatives have inspired her students to reduce their carbon footprints and to extend this initiative throughout the entire school. Ewa Makai won the National Green Ribbon School certification and is the only school statewide to have received this honor. The community of 'Ewa Beach is incredibly fortunate to have teachers like Ms. Ching dedicating their lives toward educating and developing our youth.

"Congratulations, Vanessa Ching. If I may, Mr. President, in the gallery, we have the principal of Ewa Makai Middle School, Kim Sanders; husband Joshua Ching; math teacher Jenna Nitahara; media teacher Ethan Toyota; PE teacher Scott Yorimoto; Ewa Makai Middle School Manager of the Year Francis Santa Monica; national PE Teacher of the Year Gregg Agena; and former Principal of the Year Edward Oshiro. Thank you for joining us at your State Capitol! Congratulations, Vanessa!"

Senator Dela Cruz presented the following remarks:

"Thank you, Mr. President; it's an honor to honor the next recipient on your behalf. This morning, I'm proud to present Ms. Amanda Fretto of Chiefess Kamakahelei Middle School, the Kaua'i District Teacher of the Year. Ms. Fretto is a certified special education teacher with a master's in educational psychology. She has demonstrated her passion for education by refining and maintaining the Unified Champions School program and Team Unify through Special Olympics, where her outreach and peer mentorship via United Sound has afforded students with special needs the opportunity to experience music in new ways. Thank you, Ms. Fretto, for your tireless devotion to the special education community, and best wishes on your

continued efforts to inspire, empower, and motivate your current and future students as they strive to reach their full potential. Congratulations on this outstanding achievement. Let's give her another round of applause."

Senator Thielen presented the following remarks:

"Thank you, Mr. President, and also, thank you, Senator Kidani, for your introduction, which highlights the importance of teachers and the honor of this award. Although he is unable to join us today, I would like to recognize Del Onaga. His outstanding work earned him Teacher of the Year for the Windward District. Del Onaga teaches at Olomana School, which is an alternative learning center for students with academic or behavioral problems. So, Mr. Onaga is the teacher who is taking over the education for students who have not been able to be reached by other schools and, in some cases, this is often the school of last resort. Mr. Onaga helped begin his school's successful Engineering Academy, and he's the career & technical education teacher. He's worked with at-risk students at Olomana School for seven years, guiding them to a better future. His calm teaching style and unrelenting persistence have not only touched, but changed the lives of many students. I can't emphasize enough how essential Del Onaga's role is in getting these kids better prepared for jobs and adult life. We are blessed to have him and the other excellent teachers who are here today in our community."

Senator Ihara presented the following remarks:

"Mr. President and colleagues, it is my honor to introduce the Hawai'i Public Charter School Teacher of the Year, Cristin Priolo. Cristin is a 2013 founding faculty for the School for Examining Essential Questions of Sustainability, also known as SEEQS. Cristin has served as a SEEQS special education teacher and currently teaches sixth-, seventh-, and eighth-grade history as well as serving as the lead coordinator for SEEQS' project-based learning program. Cristin makes a difference in the lives of her students by working collaboratively with teachers, parents, and community organizations. Her lessons teach students to love learning and instill in them the confidence that they can and will be successful. One parent has named her a 'milestone person' because Cristin is unforgettable and her impact will last throughout her students' lifetimes. Her students learn to closely examine evidence, practice listening to others' points of views, and weigh the tradeoffs of their decisions. These skills are integrated through community-based projects that stimulate students' sense of inquiry and other content that touches students personally. The success of her methods is evidenced, as students at SEEQS score higher than DOE's English proficiency averages for grades six through eight. Cristin is dedicated to each student's emotional growth and unceasingly makes her lessons the best these kids have ever had. Please help me to congratulate Cristin Priolo, the Hawai'i Public Charter School Teacher of the Year. Mr. President, I'd also like to introduce, in the gallery, the SEEQS school leader, Buffy Cushman-Patz. Thank you; welcome.

"Mr. President, Senatorial District 10 joins the Senate in also honoring the Honolulu District Teacher of the Year, Naomi Salaveria, from King Liholiho Elementary School. Naomi is a veteran elementary school teacher of students with special needs and multiple disabilities. She works collaboratively with parents and other professionals to create teams that support student well-being, social and academic growth. Naomi uses touch, taste, visuals, music, movement, art, and animals to inspire her students to learn, think independently, and develop their unique skills. Naomi's compassion for her special education students has encouraged personal responsibility in each of her students' own success in life. Naomi has seen much success when her students learn to handle their physical and emotional limitations, when they make connections, and when they find solutions and become more independent. Naomi

believes in celebrating every success, especially the small. So, today, please help me celebrate Naomi Salaveria's 'small' success in being named 2018 Honolulu District Teacher of the Year. I'd like to also introduce, in the gallery, Naomi's parents, Bob and Frances Bean, and her husband and daughter, Luis and Maria Salaveria. They look familiar; congratulations. Thank you, Mr. President."

The Chair interjected to lead the members and audience in a round of applause to recognize Mr. Del Onaga.

Senator English presented the following remarks:

"While she could not be here with us today, I'm honored to introduce Francine Hughes, Maui's Teacher of the Year. Francine is currently a district resource teacher at the DOE, with 20 years of teaching experience. She is certified in elementary education with a master's in educational leadership. Her shared leadership style successfully promotes collaboration and understanding of DOE initiatives. She credits her husband for his support and encouragement and Sharon Abrigo, a former mentor and colleague, for shaping her professional development design. Complex Area Superintendent Lindsay Ball describes Francine as a 'highly reflective, solution-oriented, lifelong learner who believes that developing and nurturing relationships is the key component when collaborating with fellow educators.' Colleagues, please join me with a round of applause as we honor Maui's Teacher of the Year, Francine Hughes."

Senator Kahele presented the following remarks:

"While she could also not be here today, colleagues, I wanted to take a moment to recognize the 2018 Hawai'i District Teacher of the Year, Ms. Erika Kaneo. A National Board certified elementary teacher, Ms. Kaneo works with second- and third-graders at Waiākeawaena Elementary School in the Hilo-Waiākea complex area. She takes great care to build effective, differentiated, and individualized instruction on three key principles – that students learn best when they: one, feel engaged; two, feel like they belong; and three, are given opportunities to succeed. Ms. Kaneo gains her inspiration from her mother, who met every challenge as an opportunity for growth and change. Complex Area Superintendent Keone Farias describes Ms. Kaneo as a teacher 'who believes in helping students and teachers at different levels to grow to their full potentials while approaching problems as opportunities, and that combination is the key to success.' Colleagues, please join me in a round of applause for the 2018 Hawai'i District Teacher of the Year, Ms. Erika Kaneo. Mahalo Mr. President."

Senator Kidani presented the following remarks:

"Mr. President, colleagues, it is my pleasure to introduce Gregg Iha, our Central District Teacher of the Year for 2018. The last time I chatted with Gregg Iha was at Mililani High School, where all of the schools in Mililani had set up displays and organized a huge program of activities to celebrate Character Counts. Character Counts has been a central element of campus life at Mililani schools for several years. Character Counts encourages students to think and act responsibly when they make decisions and interact with others: fellow students, teachers, coaches, and families. Students and teachers talk about and behave in accordance with the Six Pillars of Character: responsibility, trustworthiness, respect, fairness, caring, and citizenship. These are worthy behavior goals for all of us. As a resource teacher for the Leilehua/Mililani/Waiākea complex, Gregg Iha has been a champion for Character Counts. It is a natural outgrowth of values that have been a focus of Gregg's career in service to our schools – always value every individual. In his own words, 'Sometimes you lead by force of character, sometimes you lead with love, but always lead with honor and strength of character.' Aloha, Gregg, and mahalo for being a teacher.

“Mr. President, I would also like to acknowledge Gregg’s wife, Diane, who is here with us today, as well as his parents, Richard and Patricia Iha, also in the gallery. Mahalo for joining us; thank you.

“Mr. President, recognizing excellence among our public-school teachers is always inspiring. The challenge for the DOE is to select just eight teachers for honors each year when, truly, we could sing the praises of hundreds. Congratulations to the 2018 Teachers of the Year, who we honor this morning. They are representative of their campus colleagues statewide, and we are so very, very grateful for all of their work on behalf of our keiki. Mahalo.”

At 11:57 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:03 p.m.

#### MESSAGE FROM THE GOVERNOR

The following message from the Governor (Gov. Msg. No. 652) was read by the Clerk and was disposed of as follows:

Gov. Msg. No. 652, submitting for consideration and confirmation to the Public Utilities Commission, the nomination of JENNIFER POTTER, term to expire June 30, 2024, was referred to the Committee on Commerce, Consumer Protection, and Health.

#### STANDING COMMITTEE REPORTS

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 2972) recommending that H.B. No. 2389, 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. 2389, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PAROLE,” 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. 2973) recommending that H.B. No. 2345, 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. 2345, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MONEY TRANSMITTERS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senators Shimabukuro, Tokuda, and Nishihara, for the Committee on Hawaiian Affairs and the Committee on Labor and the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a joint report (Stand. Com. Rep. No. 2974) recommending that H.B. No. 1999, H.D. 2, 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 joint report of the Committees was adopted and H.B. No. 1999, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRAINING,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Wakai, for the Committee on Economic Development, Tourism, and Technology, presented a report (Stand. Com. Rep. No. 2975) recommending that H.B. No. 2174, 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. 2174, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Wakai, for the Committee on Economic Development, Tourism, and Technology, presented a report (Stand. Com. Rep. No. 2976) recommending that H.B. No. 2610, 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. 2610, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII TECHNOLOGY DEVELOPMENT CORPORATION,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Wakai, for the Committee on Economic Development, Tourism, and Technology, presented a report (Stand. Com. Rep. No. 2977) recommending that H.B. No. 2333, 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. 2333, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY-BASED ECONOMIC DEVELOPMENT TECHNICAL AND FINANCIAL ASSISTANCE PROGRAM,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Wakai, for the Committee on Economic Development, Tourism, and Technology, presented a report (Stand. Com. Rep. No. 2978) recommending that H.B. No. 1958, 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. 1958, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII TECHNOLOGY DEVELOPMENT CORPORATION,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Wakai, for the Committee on Economic Development, Tourism, and Technology, presented a report (Stand. Com. Rep. No. 2979) recommending that H.B. No. 2559, 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. 2559, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST SPINLAUNCH,” passed Second Reading and was referred to the Committee on Ways and Means.

#### ORDER OF THE DAY

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

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

Gov. Msg. No.:	Re-referred to:
Gov. Msg. No. 645	Committee on Higher Education
Gov. Msg. No. 646	Committee on Higher Education

Gov. Msg. No. 647 Committee on Higher Education

**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. 1395, Committee on Ways and Means  
H.D. 1
- H.B. No. 1508, Committee on Transportation and Energy,  
H.D. 2 then to the Committee on Ways and Means
- H.B. No. 1720, Committee on Transportation and Energy,  
H.D. 1 then to the Committee on Ways and Means
- H.B. No. 2097, Committee on Water and Land, then jointly  
H.D. 1 to the Committee on Judiciary and the Committee on Ways and Means
- H.B. No. 2200, Committee on Labor  
H.D. 1
- H.B. No. 2259, Jointly to the Committee on Water and Land  
H.D. 1 and the Committee on Public Safety, Intergovernmental, and Military Affairs, then to the Committee on Ways and Means
- H.B. No. 2299, Committee on Higher Education, then  
H.D. 1 jointly to the Committee on Judiciary and the Committee on Ways and Means
- H.B. No. 2526, Committee on Commerce, Consumer  
H.D. 1 Protection, and Health
- H.B. No. 2541, Jointly to the Committee on Judiciary and  
H.D. 1 the Committee on Ways and Means
- H.B. No. 2650, Committee on Ways and Means  
H.D. 1

**RE-REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The Chair re-referred the following Senate concurrent resolutions that were offered:

- S.C.R. No.: Re-referred to:
- S.C.R. No. 67 Committee on Judiciary
- S.C.R. No. 180 Committee on Education, then to 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. 37 Committee on Judiciary

At this time, Senator Inouye, Chair of the Committee on Transportation and Energy, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. No. 1508, H.D. 2, Proposed S.D. 1.

Senator Inouye noted:

“It is a short notice, Mr. President, because the contents of House Bill 1508, Proposed Senate Draft 1, will be Senate Bill 2752, Senate Draft 2, which did not make it past the first House committee. House Bill 1508, Proposed Senate Draft 1, creates a revolving line of credit sub-fund of an unspecified amount from the umbrella of the Hawaii green infrastructure special fund for any state agency or department to finance cost-effective energy-efficiency measures. As the Legislature’s intent

of the GEMS fund was to be available for the underserved – particularly low- and moderate-income homeowners, renters, and nonprofits – GEMS will also help decrease both utility bill expenses for state buildings and assist with meeting the state’s energy efficiency goal. My hope, Mr. President, as chair of the Transportation and Energy committee, is to keep this measure alive in H.B. 1508, Proposed Senate Draft 1.”

The Chair granted the waiver.

Senator Inouye announced that the Committee on Transportation and Energy would be holding a public hearing on H.B. No. 1508, H.D. 2, Proposed S.D. 1 on Wednesday, March 21, 2018, at 1:15 p.m. in Conference Room 225.

Senator Tokuda, Chair of the Committee on Labor, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.C.R. No. 34 and S.R. No. 17.

Senator Tokuda noted:

“This addresses alternatives to opioids in the NFL, and in order to meet the SCR deadline with the joint committee referral, we’d like to hear it when the committees meet later this week.”

The Chair granted the waiver.

Senator Tokuda announced that the Committee on Labor and Committee on Economic Development, Tourism, and Technology would be holding a joint public hearing on the measures on Thursday, March 22, 2018, at 3:00 p.m. in Conference Room 229.

Senator Kahele, Chair of the Committee on Higher Education, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. No. 2299, H.D. 1.

Senator Kahele noted:

“House Bill 2299, House Draft 1, seeks to facilitate the process by which the University of Hawai’i obtains approval to indemnify, defend, and hold harmless a county agency, its officers, agents, and employees for university purposes and university functions on county property. I’d like to kindly request that the 72-hour notice requirement be waived for this bill, and it’s necessary to facilitate the appropriate consideration of this bill in light of its late re-referral.”

The Chair granted the waiver.

Senator Kahele announced that the Committee on Higher Education would be holding a public hearing on H.B. No. 2299, H.D. 1 on Thursday, March 22, 2018, at 1:21 p.m. in Conference Room 224.

Senator Shimabukuro, Chair of the Committee on Hawaiian Affairs, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.R. No. 43 and S.R. No. 44.

Senator Shimabukuro noted:

“Mr. President, the SCRs for both of these resolutions are already on the hearing notice and we inadvertently left the SRs out.”

The Chair granted the waiver.

Senator Shimabukuro announced that the Committee on Hawaiian Affairs and Committee on Commerce, Consumer Protection, and Health would be holding a joint public hearing on the measures on Thursday, March 22, 2018, at 1:15 p.m. in Conference Room 016.

Senator Gabbard noted that it was the forty-fifth annual National Ag Day, which celebrates and recognizes the

importance of agriculture in our everyday lives, with the theme of “Agriculture: Food for Life.”

Senator Galuteria announced that the 2018 Senate Staff Directory had been released and would be distributed to all the members’ offices.

The Chair thanked Senator Galuteria and his staff for their work in creating the directory.

Senator Kidani announced that Education Week activities would continue the following day, with a rally by the Hawaii Children’s Action Network in the Rotunda at 10:00 a.m.; visits to legislative offices by representatives from a number of organizations, including People Attentive To Children (PATCH), University of Hawai’i P-20, Hawai’i Association for the Education of Young Children, Hawai’i Public Charter Schools, and Early Childhood Action Strategy; as well as informational displays by the University of Hawai’i at Mānoa College of Education in Conference Room 225 on ways to meet the critical shortage of teachers and the “Grow Our Own” recruitment program.

Senator English remarked that it was the first day of spring – the vernal equinox – on which the lengths of day and night were roughly equal, and reminded the members to smell the flowers along the way.

#### ADJOURNMENT

At 12:11 p.m., on motion by Senator Espero, seconded by Senator English and carried, the Senate adjourned until 11:30 a.m., Wednesday, March 21, 2018.