

FORTY-SEVENTH DAY

Thursday, April 12, 2018

The Senate of the Twenty-Ninth Legislature of the State of Hawai'i, Regular Session of 2018, convened at 12:05 p.m. with the Vice President in the Chair.

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

The Vice President announced that she had read and approved the Journal of the Forty-Sixth Day.

At this time, Senator Gabbard introduced Maggie Q, world-famous actress and longtime animal protection advocate, who was seated in the gallery. Senator Gabbard noted that Maggie Q was born and raised in Hawai'i and attended Mililani Waena Elementary School, Major Sheldon Wheeler Middle School, and Mililani High School. In addition to her many movies and her current lead role in the television series *Designated Survivor*, Maggie Q co-produced *Earthlings*, an award-winning documentary about the plight of animals and the environment. Among other animal issues, she hoped that Hawai'i would soon follow the actions of the European Union, India, Switzerland, and many other countries in prohibiting unnecessary research and cosmetics testing on animals. Accompanying her in the gallery were her fiancé, Dylan McDermott; her mother, Katherine Quigley; other family members Nicole Stensgaard, Andrea Quigley, and Kalena Stensgaard; as well as local animal and marine protection advocates Inga Gibson, Stephanie Kendrick, Renee Umberger, and Keith Dane.

On behalf of Senator Kidani, Senator Dela Cruz welcomed her friends from elementary through high school, who were present in the gallery: Charlotte and Ed Unten, Emi Kiyabu, and Shirley Lee.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 753 to 756) were read by the Clerk and were placed on file:

Gov. Msg. No. 753, informing the Senate that on April 9, 2018, the Governor withdrew the nomination of VARCUS LABATTE to the Kāne'ohe Bay Regional Council, under Gov. Msg. No. 731, from consideration by the Senate.

In compliance with Gov. Msg. No. 753, the nomination listed under Gov. Msg. No. 731 was returned.

Gov. Msg. No. 754, letter dated April 11, 2018, correcting the name of the board for Gov. Msg. No. 714, the nomination of CREIGHTON ARITA to the Board of Directors of the High Technology Development Corporation, term to expire June 30, 2022, board name amended to the Hawaii Technology Development Corporation.

Gov. Msg. No. 755, letter dated April 11, 2018, correcting the name of the board for Gov. Msg. No. 715, the nomination of MARTIN ZORN to the Board of Directors of the High Technology Development Corporation, term to expire June 30, 2018, board name amended to the Hawaii Technology Development Corporation.

Gov. Msg. No. 756, letter dated April 11, 2018, correcting the name of the board for Gov. Msg. No. 716, the nomination of MARTIN ZORN to the Board of Directors of the High Technology Development Corporation, term to expire June 30, 2022, board name amended to the Hawaii Technology Development Corporation.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 546 to 607) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 546, informing the Senate that on April 10, 2018, the House disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 1620, H.D. 2 (S.D. 1);
H.B. No. 1626, H.D. 1 (S.D. 1);
H.B. No. 1650, H.D. 2 (S.D. 1);
H.B. No. 1869, H.D. 1 (S.D. 1);
H.B. No. 1873, H.D. 1 (S.D. 1);
H.B. No. 1932, H.D. 1 (S.D. 2);
H.B. No. 1934, H.D. 1 (S.D. 2);
H.B. No. 2060, H.D. 1 (S.D. 1);
H.B. No. 2149, H.D. 1 (S.D. 1);
H.B. No. 2207, H.D. 2 (S.D. 1);
H.B. No. 2275, H.D. 2 (S.D. 2);
H.B. No. 2342, H.D. 1 (S.D. 1);
H.B. No. 2375, H.D. 1 (S.D. 1);
H.B. No. 2442, H.D. 2 (S.D. 2);
H.B. No. 2464, H.D. 2 (S.D. 2); and
H.B. No. 2657, H.D. 1 (S.D. 1),

was placed on file.

Hse. Com. No. 547, returning S.B. No. 48, S.D. 3, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2018, was placed on file.

On motion by Senator Espero, seconded by Senator English and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 48, S.D. 3, and requested a conference on the subject matter thereof.

Hse. Com. No. 548, returning S.B. No. 122, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2018, was placed on file.

On motion by Senator Espero, seconded by Senator English and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 122, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 549, returning S.B. No. 134, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2018, was placed on file.

On motion by Senator Espero, seconded by Senator English and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 134, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 550, returning S.B. No. 192, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2018, was placed on file.

On motion by Senator Espero, seconded by Senator English and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 192, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 551, returning S.B. No. 202, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2018, was placed on file.

On motion by Senator Espero, seconded by Senator English and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 202, and requested a conference on the subject matter thereof.

Hse. Com. No. 603, returning S.B. No. 2922, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2018, was placed on file.

On motion by Senator Espero, seconded by Senator English and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2922, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 604, returning S.B. No. 2928, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2018, was placed on file.

On motion by Senator Espero, seconded by Senator English and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2928, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 605, returning S.B. No. 2990, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2018, was placed on file.

On motion by Senator Espero, seconded by Senator English and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2990, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 606, returning S.B. No. 3077, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2018, was placed on file.

On motion by Senator Espero, seconded by Senator English and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3077, S.D. 2, and requested a conference on the subject matter thereof.

The Chair then announced:

“Conferees will be named at a later date.”

Hse. Com. No. 607, returning S.B. No. 2939, S.D. 2, which passed Third Reading in the House of Representatives on April 10, 2018, was placed on file.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3718) recommending that the Senate advise and consent to the nominations to the State Council on Developmental Disabilities of the following:

RYAN PALACIO, in accordance with Gov. Msg. No. 608;
 PATRICIA MORRISSEY, in accordance with Gov. Msg. No. 610;
 PATRICIA MORRISSEY, in accordance with Gov. Msg. No. 611;
 LIZA YOGI, in accordance with Gov. Msg. No. 612;
 MARY BROGAN, in accordance with Gov. Msg. No. 613;
 MICHELLE PESTEL-MAGA, in accordance with Gov. Msg. No. 630; and
 DARWIN NAGAMINE, in accordance with Gov. Msg. No. 631.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3718 and Gov. Msg. Nos. 608, 610, 611, 612, 613, 630, and 631 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3719) recommending that the Senate advise and consent to the nominations to the State Board of Nursing of the following:

KAREN BOYER, in accordance with Gov. Msg. No. 624;
 JUDY KODAMA, in accordance with Gov. Msg. No. 625; and
 KATHARYN DAUB, in accordance with Gov. Msg. No. 626.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3719 and Gov. Msg. Nos. 624, 625, and 626 was deferred until Friday, April 13, 2018.

Senator Wakai, for the Committee on Economic Development, Tourism and Technology, presented a report (Stand. Com. Rep. No. 3720) recommending that the Senate advise and consent to the nominations to the Small Business Regulatory Review Board of the following:

REG BAKER, in accordance with Gov. Msg. No. 513;
 REG BAKER, in accordance with Gov. Msg. No. 514;
 WILLIAM LYDGATE, in accordance with Gov. Msg. No. 673;
 WILLIAM LYDGATE, in accordance with Gov. Msg. No. 674; and
 MARY ALBITZ, in accordance with Gov. Msg. No. 675.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3720 and Gov. Msg. Nos. 513, 514, 673, 674, and 675 was deferred until Friday, April 13, 2018.

Senator Wakai, for the Committee on Economic Development, Tourism and Technology, presented a report (Stand. Com. Rep. No. 3721) recommending that the Senate advise and consent to the nominations to the Community-Based Economic Development Advisory Council of the following:

JANE HORIKE, in accordance with Gov. Msg. No. 689; and
 ERNEST MATSUMURA, in accordance with Gov. Msg. No. 690.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3721 and Gov. Msg. Nos. 689 and 690 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3722) recommending that the Senate advise and consent to the nominations to the Disability and Communication Access Board of the following:

DEAN GEORGIEV, in accordance with Gov. Msg. No. 574;
 AMY TSUJI-JONES, in accordance with Gov. Msg. No. 575; and
 PHYLLIS MEIGHEN, in accordance with Gov. Msg. No. 644.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3722 and Gov. Msg. Nos. 574, 575, and 644 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3723) recommending that the Senate advise and consent to the nominations to the Real Estate Commission of the following:

RUSSELL KYONO, in accordance with Gov. Msg. No. 593; and
 JOHN LOVE, in accordance with Gov. Msg. No. 594.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3723 and Gov. Msg. Nos. 593 and 594 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3724) recommending that the Senate advise and consent to the nomination of JULIE TAKISHIMA-LACASA to the Board of Pharmacy, in accordance with Gov. Msg. No. 629.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3724 and Gov. Msg. No. 629 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3725) recommending that the Senate advise and consent to the nomination of JAY RAYMUNDO to the Health Planning Council, West Oahu Subarea, in accordance with Gov. Msg. No. 527.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3725 and Gov. Msg. No. 527 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3726) recommending that the Senate advise and consent to the nomination of WESLEY SUMIDA to the Health Planning Council, Honolulu Subarea, in accordance with Gov. Msg. No. 628.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3726 and Gov. Msg. No. 628 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3727) recommending that the Senate advise and consent to the nomination of ORIANNA SKOMOROCH to the Health Planning Council, Kaua'i Subarea, in accordance with Gov. Msg. No. 632.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3727 and Gov. Msg. No. 632 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3728) recommending that the Senate advise and consent to the nomination of MARIA CHUN to the Hawai'i Medical Board, in accordance with Gov. Msg. No. 627.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3728 and Gov. Msg. No. 627 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3729) recommending that the Senate advise and consent to the nomination of ALICIA MALUAFITI to the Board of Veterinary Examiners, in accordance with Gov. Msg. No. 637.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3729 and Gov. Msg. No. 637 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3730) recommending that the Senate advise and consent to the nomination of JILL WAKABAYASHI to the Board of Physical Therapy, in accordance with Gov. Msg. No. 622.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3730 and Gov. Msg. No. 622 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3731) recommending that the Senate advise and consent to the nomination of EARL HASEGAWA to the Board of Dental Examiners, in accordance with Gov. Msg. No. 623.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3731 and Gov. Msg. No. 623 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3732) recommending that the Senate advise and consent to the nominations to the Policy Advisory Board for Elder Affairs of the following:

KIPUKAI KUALI'I, in accordance with Gov. Msg. No. 556; and

KATHLEEN WYATT, in accordance with Gov. Msg. No. 557.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3732 and Gov. Msg. Nos. 556 and 557 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3733) recommending that the Senate advise and consent to the nominations to the Health Planning Council, Windward Oahu Subarea of the following:

JAMIE BOYD, in accordance with Gov. Msg. No. 531; and

JAMIE BOYD, in accordance with Gov. Msg. No. 532.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3733 and Gov. Msg. Nos. 531 and 532 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3734) recommending that the Senate advise and consent to the nomination of MICHAEL PANG to the Chairperson of the Real Estate Commission, in accordance with Gov. Msg. No. 591.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3734 and Gov. Msg. No. 591 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3735) recommending that the Senate advise and consent to the nomination of TIMOTHY LINO to the State Council on Mental Health, in accordance with Gov. Msg. No. 559.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3735 and Gov. Msg. No. 559 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3736) recommending that the Senate advise and consent to the nomination of EVELYN KANESHIRO to the Health Planning Council, Hawai'i County Subarea, in accordance with Gov. Msg. No. 528.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3736 and Gov. Msg. No. 528 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3737) recommending that the Senate advise and consent to the nomination of MARIA ARSUAGA to the Language Access Advisory Council, in accordance with Gov. Msg. No. 547.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3737 and Gov. Msg. No. 547 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3738) recommending that the Senate advise and consent to the nomination of GARY HUTCHINSON to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, in accordance with Gov. Msg. No. 533.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3738 and Gov. Msg. No. 533 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3739) recommending that the Senate advise and consent to the nomination of ALANNA ISOBE to the Board of Pharmacy, in accordance with Gov. Msg. No. 583.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3739 and Gov. Msg. No. 583 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3740) recommending that the Senate advise and consent to the nomination of AMANDA SEVERSON to the State Board of Barbering and Cosmetology, in accordance with Gov. Msg. No. 517.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3740 and Gov. Msg. No. 517 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3741) recommending that the Senate advise and consent to the nomination of KRISTEN COLES to the State Board of Naturopathic Medicine, in accordance with Gov. Msg. No. 582.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3741 and Gov. Msg. No. 582 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3742) recommending that the Senate advise and consent to the nomination of JODIE HAGERMAN to the Board of Massage Therapy, in accordance with Gov. Msg. No. 519.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3742 and Gov. Msg. No. 519 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3743) recommending that the Senate advise and consent to the nomination of CAROL PETITH-ZBICIAK to the Health Planning Council, Tri-Isle Subarea, in accordance with Gov. Msg. No. 524.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3743 and Gov. Msg. No. 524 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3744) recommending that the Senate advise and consent to the nomination of GERI YOUNG to the Hawai'i Medical Board, in accordance with Gov. Msg. No. 518.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3744 and Gov. Msg. No. 518 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3745) recommending that the Senate advise and consent to the nomination of LARRY IGNAS to the Motor Vehicle Industry Licensing Board, in accordance with Gov. Msg. No. 520.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3745 and Gov. Msg. No. 520 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3746) recommending that the Senate advise and consent to the nominations to the Mental Health & Substance Abuse, Hawai'i Service Area Board of the following:

CARMEN BOWMAN, in accordance with Gov. Msg. No. 548;

CAROL MATAYOSHI, in accordance with Gov. Msg. No. 549; and

CAROL MATAYOSHI, in accordance with Gov. Msg. No. 550.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3746 and Gov. Msg. Nos. 548, 549, and 550 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3747) recommending that the Senate advise and consent to the nominations to the State Council on Developmental Disabilities of the following:

MAUREEN BATES, in accordance with Gov. Msg. No. 578;

PHILIP ANA, in accordance with Gov. Msg. No. 579;

MICHELLE MURALT, in accordance with Gov. Msg. No. 580; and

SHANA METSCH, in accordance with Gov. Msg. No. 581.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3747 and Gov. Msg. Nos. 578, 579, 580, and 581 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3748) recommending that the Senate advise and consent to the nominations to the Mental Health & Substance Abuse, Oahu Service Area Board of the following:

RANDOLPH HACK, in accordance with Gov. Msg. No. 554; and

RANDOLPH HACK, in accordance with Gov. Msg. No. 555.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3748 and Gov. Msg. Nos. 554 and 555 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3749) recommending that the Senate advise and consent to the nominations to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances of the following:

BRYAN WATKINS, in accordance with Gov. Msg. No. 521;

BRYAN WATKINS, in accordance with Gov. Msg. No. 522; and

DIANA FELTON, in accordance with Gov. Msg. No. 523.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3749 and Gov. Msg. Nos. 521, 522, and 523 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3750) recommending that the Senate advise and consent to the nomination of JOHN BARNETT to the Health Planning Council, Hawai'i County Subarea, in accordance with Gov. Msg. No. 529.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3750 and Gov. Msg. No. 529 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3751) recommending that the Senate advise and consent to the nomination of HILARY OKUMURA to the Health Planning Council, Honolulu Subarea, in accordance with Gov. Msg. No. 530.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3751 and Gov. Msg. No. 530 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3752) recommending that the Senate advise and consent to the nominations to the Disability and Communication Access Board of the following:

VIOLET HORVATH, in accordance with Gov. Msg. No. 576; and

RONALD AWA, in accordance with Gov. Msg. No. 577.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3752 and Gov. Msg. Nos. 576 and 577 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3753) recommending that the Senate advise and consent to the nomination of JOANNE KEALOHA to the Statewide Health Coordinating Council, in accordance with Gov. Msg. No. 560.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3753 and Gov. Msg. No. 560 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3754) recommending that the Senate advise and consent to the nominations to the Mental Health & Substance Abuse, Maui Service Area Board of the following:

TARA BERRY, in accordance with Gov. Msg. No. 551; and

DANIELLE BERGAN, in accordance with Gov. Msg. No. 552.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3754 and Gov. Msg. Nos. 551 and 552 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3755) recommending that the Senate advise and consent to the nominations to the Emergency Medical Services Advisory Committee of the following:

PETER DI ROCCO, in accordance with Gov. Msg. No. 534; and

PETER DI ROCCO, in accordance with Gov. Msg. No. 535.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3755 and Gov. Msg. Nos. 534 and 535 was deferred until Friday, April 13, 2018.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3756) recommending that the Senate advise and consent to the nominations to the Health Planning Council, West Oahu Subarea of the following:

ERIC BARSATAN, in accordance with Gov. Msg. No. 525; and

ERIC BARSATAN, in accordance with Gov. Msg. No. 526.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3756 and Gov. Msg. Nos. 525 and 526 was deferred until Friday, April 13, 2018.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3707 (Gov. Msg. No. 503):

Senator Tokuda moved that Stand. Com. Rep. No. 3707 be received and placed on file, seconded by Senator English and carried.

Senator Tokuda then moved that the Senate advise and consent to the nomination of RYKER WADA as Director of the Department of Human Resources Development, term to expire at noon on December 3, 2018, seconded by Senator English.

Senator Tokuda rose to speak in support of the nominee as follows:

“Colleagues, as you know, the director of the Department of Human Resources Development plays an important role in allowing the state to deliver efficient and effective services to the public. It is his or her responsibility to oversee the recruitment and retention of our state employees, the classification of positions, supporting the collective bargaining process, and ensuring compensation of employees at proper pay levels – no small task, indeed. It is my belief that the nominee is more than capable of carrying out these responsibilities, having also served as deputy director, and it is his responsibility to represent new opportunities in front of him to continue to apply his skills in service to the people of Hawai'i, and he has been doing this altogether in a herculean way, ever since being appointed.

“Acting Director Wada previously served, as I mentioned, as deputy director to this state department before the retirement of former Director Nishimoto. Prior to his work at DHRD, he served as the personnel regional officer for the windward district of the Department of Education, where I have witnessed his work firsthand. He is also the former managing attorney for the Legal Aid Society of Hawai'i, so his work for the public has been ongoing for many, many years as well. In his personal statement, the nominee explained his vision for the department: It is his goal to enable DHRD to provide quality service with improved efficiencies, customer service, and staff support, building up his team and making sure he serves everyone with service.

“The Committee on Labor also heard testimony from both former and current colleagues of the nominee, all of whom expressed confidence in his ability and knowledge. His over 15 years of legal and human resources experience in both the public and private sectors will serve him well in dealing with the numerous labor protocols overseen by DHRD, a constantly changing landscape. And while there were many testimonies that we received from colleagues, past and present, and from many individuals of the public, I will say that the greatest vote of confidence that we received and the testimony that I had to

somewhat force out of the individual came from his father, who usually resides at the Majority staff table but I believe is in the gallery today. I really appreciated, not just the vote of confidence, but it was very touching to hear his words as well.

“Colleagues, as we know, we have often heeded the advice and counsel of Mr. Wada, but it’s very clear that the apple has not fallen too far from the tree, so it is with great humility and honor that I humbly ask for your support as we recommend Director Wada to lead the Department of Human Resources Development as he takes them under direction in the right way. Thank you.”

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

Ayes, 23. Noes, none. Excused, 2 (Harimoto, Kouchi).

At this time, Senator Tokuda introduced Director Ryker Wada, who was accompanied in the gallery by his wife, Vanessa Ito; his parents, Richard and Margaret Wada; his sons, Ezekiel and Elijah; his in-laws, Steve and Ann Ito; his cousins Susan and Kristin Minato; staff supporters from the Department of Human Resources Development; as well as Leonard Hoshijo, director of the Department of Labor and Industrial Relations, and Ford Fuchigami from the Office of the Governor.

At 12:16 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:25 p.m.

Stand. Com. Rep. No. 3708 (Gov. Msg. Nos. 633 and 634):

Senator Tokuda moved that Stand. Com. Rep. No. 3708 be received and placed on file, seconded by Senator English and carried.

Senator Tokuda then moved that the Senate advise and consent to the nominations to the Hawai’i Workforce Development Council of the following:

SHERYL NOJIMA, term to expire June 30, 2022 (Gov. Msg. No. 633); and

SEAN KNOX, term to expire June 30, 2022 (Gov. Msg. No. 634),

seconded by Senator English.

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

Ayes, 23. Noes, none. Excused, 2 (Harimoto, Kouchi).

Stand. Com. Rep. No. 3717 (Gov. Msg. Nos. 687, 688, 717, and 738):

Senator Wakai moved that Stand. Com. Rep. No. 3717 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Wakai then moved that the Senate advise and consent to the nominations to the Stadium Authority of the following:

MICHAEL IOSUA, term to expire June 30, 2022 (Gov. Msg. No. 687);

ROSS YAMASAKI, term to expire June 30, 2022 (Gov. Msg. No. 688);

KEITH AMEMIYA, term to expire June 30, 2022 (Gov. Msg. No. 717); and

HUBERT MINN, term to expire June 30, 2021 (Gov. Msg. No. 738),

seconded by Senator Taniguchi.

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

Ayes, 23. Noes, none. Excused, 2 (Harimoto, Kouchi).

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM TUESDAY, APRIL 10, 2018

Stand. Com. Rep. No. 3709 (S.R. No. 125, S.D. 1):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.R. No. 125, S.D. 1, entitled: “SENATE RESOLUTION URGING THE UNIVERSITY OF HAWAII SYSTEM TO UTILIZE AND EXPAND EXISTING UNDERGRADUATE GENERAL EDUCATION CORE REQUIREMENT CURRICULUM AND PROGRAMS ACROSS THE VARIOUS CAMPUSES RATHER THAN ALLOW EACH CAMPUS TO CREATE ITS OWN CURRICULUM AND PROGRAMS,” was adopted.

Stand. Com. Rep. No. 3710 (S.R. No. 127, S.D. 1):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.R. No. 127, S.D. 1, entitled: “SENATE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO IMPLEMENT OCEAN AND WATER SAFETY EDUCATION PROGRAMS FOR ELEMENTARY SCHOOL STUDENTS,” was adopted.

Stand. Com. Rep. No. 3711 (S.R. No. 53, S.D. 2):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.R. No. 53, S.D. 2, entitled: “SENATE RESOLUTION URGING THE UNIVERSITY OF HAWAII SYSTEM’S VICE PRESIDENT FOR BUDGET AND FINANCE TO DEVELOP A PLAN TO REDEVELOP THE LOWER CAMPUS OF THE UNIVERSITY OF HAWAII AT MANOA THROUGH A PUBLIC PRIVATE PARTNERSHIP,” was adopted.

Stand. Com. Rep. No. 3712 (S.R. No. 119):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.R. No. 119, entitled: “SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO EXPLORE STUDENT AID OPTIONS FOR STUDENTS WHO ATTEND A DEPARTMENT OF EDUCATION COMMUNITY SCHOOL FOR ADULTS AND OPT TO ENROLL IN AND COMPLETE THE COMPETENCY-BASED COMMUNITY SCHOOL DIPLOMA PROGRAM TO EARN A HAWAII ADULT COMMUNITY SCHOOL DIPLOMA,” was adopted.

Stand. Com. Rep. No. 3713 (S.R. No. 54):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.R. No. 54, entitled: “SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO REDISTRIBUTE STUDENTS WHO WILL BE LIVING IN THE KOA RIDGE DEVELOPMENT TO THE PEARL CITY-WAIPAHU COMPLEX AREA,” was adopted.

Stand. Com. Rep. No. 3714 (S.R. No. 30):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.R. No. 30, entitled: “SENATE RESOLUTION URGING THE AGRIBUSINESS DEVELOPMENT CORPORATION TO START A FARM APPRENTICESHIP PROGRAM,” was adopted.

Stand. Com. Rep. No. 3715 (S.R. No. 116, S.D. 1):

On motion by Senator Espero, seconded by Senator English and carried, the joint report of the Committees was adopted and S.R. No. 116, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW EXISTING RESEARCH ON CERTAIN IMPACTS OF SCREEN TIME AND PROVIDE RECOMMENDATIONS ON REDUCING SCREEN TIME AND INCREASING RATES OF PHYSICAL ACTIVITY AND NUTRITION OF CHILDREN AND ADOLESCENTS IN HAWAII," was adopted.

Stand. Com. Rep. No. 3716 (S.R. No. 114):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.R. No. 114, entitled: "SENATE RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO OPPOSE ANY PROPOSED FEDERAL RIGHT-TO-WORK LEGISLATION," was adopted.

THIRD READING

H.B. No. 1938, H.D. 1, S.D. 2:

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, H.B. No. 1938, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Harimoto, Kouchi).

H.B. No. 2259, H.D. 1, S.D. 3:

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, H.B. No. 2259, H.D. 1, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO MARINE EVENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Harimoto, Kouchi).

H.B. No. 1585, H.D. 1, S.D. 3:

Senator Kahele moved that H.B. No. 1585, H.D. 1, S.D. 3, having been read throughout, pass Third Reading, seconded by Senator Dela Cruz.

Senator Ruderman rose to speak in opposition to the measure as follows:

"This bill does exactly one thing for certain: It kills the Thirty Meter Telescope. It's a \$1.4 billion project which will bring more high-paying jobs in the private sector and private sector construction jobs than we've ever seen before in our state. Often, we profess to want high-tech projects to come to Hawai'i, but now we propose to sidestep the legal process to kill a project that has spent 10 years moving forward in good faith. Often, we hear of a chilling effect on future business; this is a deep-freeze, door-slamming-in-the-face, anti-welcome for the next job-creating tech proposal that so many of us say we desire. We're telling the world that, besides the tedious, time-consuming nature of our due process, we will also pull the rug out from under you at the last minute, regardless of legal rulings. One cannot say they support this bill and are not opposed to TMT. This bill is above all else a death warrant to TMT, unfairly, without public input or due process. The moratorium is intended to punish UH for mismanagement and perhaps right some wrongs. But the only real victim is TMT, a private venture that has done its best to proceed legally, with community support, through our labyrinthine permitting process. The benefits of this project to Hawai'i in quality job creation and educational benefits is unsurpassed.

"The Hawai'i Supreme Court is currently reviewing the appeals regarding the permit process. It's their kuleana to do so. That's due process and the legal way forward. We must not, with one sentence that has never seen public input nor due legislative deliberation, negate the legal process and kill a major project. The label 'gut and replace' rightfully carries negative connotations to our observers – sometimes it's used unfairly; in this case, it's well-deserved. The moratorium part of this bill is a major new proposal with massive consequences which was inserted without due process in violation of Senate rules. So, if we're successful, we're embarking on another long series of appeals and challenges instead of relying on a long-established legal process, which is underway and which this bill sidesteps. If unsuccessful, it undermines public support for fair play and due process, and reinforces the impression that we do whatever we want regardless of laws and rules and due process.

"I am neither blindly pro-TMT nor blindly opposed; I support TMT if its permits are legal and oppose it if not. I believe in the rule of law. But I highly value fair play, the legal process, and, most importantly, the fact that democracy necessarily includes the public. The *demo in democracy* means 'the people.' Sometimes that's inconvenient and time-consuming and yet it's the most important aspect of what we do and the thing that legitimizes what we do. Saying one has talked to a lot of people and feels a sense of urgency and has good ideas does not remove the requirement for public input, fair play, and due process. Although we know this bill will likely not survive as is, still I urge my colleagues to not abandon respect for our process by approving a bill which is in violation of the most basic principles of our process. Those who speak of wanting to advance high tech in Hawai'i, who advocate for economic growth so our kids can live here, who want to advance business and educational opportunities in Hawai'i: Your words will ring hollow if you vote for this bill. This bill will kill the biggest high-wage job creator and educational booster our state has ever seen. The Thirty Meter Telescope is the largest private sector proposal we have ever had; this huge, consequential project being unfairly targeted by this bill deserves fair play and due process. Thank you."

Senator Kahele rose to speak in strong support of the measure as follows:

"Senators, colleagues: This is a tough issue, but this legislature, both the House and the Senate and those who came before us, take on tough issues. It is our highest duty to the State of Hawai'i and its people to find solutions to the state's most pressing needs. And just like Kaho'olawe was 40 years ago, Mauna Kea is the Kaho'olawe of this generation. Dr. Martin Luther King once spoke of the fierce urgency of now, and I truly believe, as evidenced by other failed projects in this state, that there is such a thing as being too late. We are at a defining moment in our state's history, and it is time for us, as the leaders of this state, to raise our level of consciousness and understanding that the care and the protection of our 'āina, from the mountain to the sea, is part of our kuleana, our responsibility. The Legislature has now completed 10 public presentations and community listening sessions that have resulted in hundreds of conversations with people all over our islands. And there is one thing that resonates time and time again, and that is we have to do – we must do – a better job of protecting and managing Mauna Kea, and it cannot wait any longer. We need to stop tearing apart the very fabric of our community. We need to hold state agencies entrusted with the care of Hawai'i's most precious natural resources and wonders accountable.

"My dad would often say, 'We are all in this together,' and only by working together can we restore balance and peace on Mauna Kea through the aloha that exists in each and every one of us, which makes Hawai'i the special place we all call home.

Colleagues, I humbly ask you to support this bill so we can continue this conversation into conference with our partners in the House. Mahalo, Madam President.”

Senator Kim rose to speak in opposition to the measure as follows:

“I rise in reluctant opposition to this measure. Madam President, I certainly agree with the remarks made by the senator from Hilo. I believe that we must continue the conversation about Mauna Kea, and there have been many bills this session on that and that conversation. However, at the same time, I think it’s very important that we adhere to our rules; and so, based on our Senate Rules, Rule No. 23, Public Hearings on Bills, this bill contains significant and substantial amendments that the public has not been provided an opportunity to submit testimony. And so, to be consistent in my support of transparency in government and following our rules, I must vote in opposition. Mahalo.”

Senator Green rose to speak in support of the measure as follows:

“I just would like to say that the irony of this is that some people – and I respect their opinion – may have reservations about passing this bill today, while we still have three weeks left, because of a lack of transparency, but in reality, we often don’t get any input from the neighbor islands, and the good chair from Hilo has actually taken this dialogue much further than any other bill that’s been debated this session. So, my initial discomfort because of internal rules that we make, in this case, is outweighed by the fact that the senator from Hilo really went the extra mile to get thousands and thousands of pieces of input from people on the Big Island and other islands. So, I know the rules are important – there’s no doubt – but he has gotten incredible input, so I’ll be supporting him today.”

Senator Thielen rose to speak in opposition to the measure as follows:

“I agree with the senator from Hilo that we do need to act, and that’s why I will be voting to support House Bill 1985, although with some reservations, because that bill sets forward the dialogue that the good senator from Hilo has been leading around the state about having a new management authority.

“This bill, however, House Bill 1585: It’s not a matter of just violating our internal Senate rules; it’s a matter of the constitutional requirements that any bill that we pass into law has to have a public hearing and an opportunity for the public to testify. So, the senator from Puna very eloquently raised those basic democratic principles that were violated in this bill, but it’s also unnecessary because, if House Bill 1985 is to pass, that would create a new management authority that would be responsible for managing Mauna Kea, and the provisions in this bill requiring the University of Hawai‘i to do certain things would be irrelevant because it would be the new authority that would be tasked with passing the administrative rules and making the management decisions that the University of Hawai‘i has failed to make over the last 10 years. So, therefore, I oppose this bill and prefer that we move forward with the other that the good senator of Hilo has done so much work on.”

The motion was put by the Chair and carried, H.B. No. 1585, H.D. 1, S.D. 3, entitled: “A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15; Ayes with Reservations (Baker, Gabbard, Green, Ihara). Noes, 8 (Espero, Inouye, Kim, Riviere, Ruderman, Taniguchi, Thielen, Tokuda). Excused, 2 (Harimoto, Kouchi).

H.B. No. 1652, S.D. 2:

On motion by Senator Baker, seconded by Senator Tokuda and carried, H.B. No. 1652, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Harimoto, Kouchi).

H.B. No. 1985, H.D. 1, S.D. 2:

Senator Kahele moved that H.B. No. 1985, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Dela Cruz.

Senator Ruderman rose to speak in support of the measure with reservations as follows:

“This bill is also a gut-and-replace bill, which I normally oppose on principle. However, I do support this bill with reservations to allow the discussion to continue because all the concepts in this bill had public hearings and due process at some point along the way, at least in the Senate bills which previously contained these concepts. In that sense, to me, it is not the same as the recent bill, whose major concepts were never vetted in public nor with due legislative process.

“While I have concerns for the process, I commend the senator from Hilo for his herculean effort to address a big issue with fresh new ideas, to craft a consensus, to listen to all concerned and incorporate their concerns. I also commend him for big-picture, outside-the-box thinking, which is so welcome and so needed here. He took the radical, unusual step of talking to and listening to all those concerns and the impacted citizens. I recommend this practice be widely used generally: Go talk to the affected people instead of hiding things from them as long as possible. What a concept! Talk to the people and listen to them.

“So, I do have concerns about the process, but because these concepts had public input and the support of Senate committees, I find it a tolerable use of this procedure and will support further discussions with reservations. Thank you.”

The motion was put by the Chair and carried, H.B. No. 1985, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO LAND USE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21; Ayes with Reservations (Baker, Gabbard, Green, Ihara, Kim, Riviere, Ruderman, Shimabukuro, Taniguchi, Thielen). Noes, 2 (Inouye, Tokuda). Excused, 2 (Harimoto, Kouchi).

RE-REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

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

H.C.R. No.:	Re-referred to:
H.C.R. No. 113	Committee on Transportation and Energy
H.C.R. No. 166, H.D. 1	Committee on Ways and Means
H.C.R. No. 212, H.D. 2	Jointly to the Committee on Water and Land and the Committee on Public Safety, Intergovernmental, and Military Affairs

At this time, Senator Rhoads informed the members that, unfortunately, Senator Harimoto had some complications from chemotherapy and was currently in the hospital, but that he was getting better and hoped to be home soon, and that in lieu of

visitors or flowers, Senator Harimoto welcomed prayers from the members.

At 12:43 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:43 p.m.

ADJOURNMENT

At 12:44 p.m., on motion by Senator Espero, seconded by Senator English and carried, the Senate adjourned until 11:30 a.m., Friday, April 13, 2018.