

## THIRTY-THIRD DAY

**Monday, March 18, 2019**

The Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019, convened at 11:41 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-Second Day.

At this time, Senator Kidani commended the 2019 Prudential Spirit of Community Award recipients, and presented the following remarks:

"Our guests this morning include four high school students who have demonstrated tremendous commitments to their community as the recipients of the 2019 Prudential Spirit of Community Awards. This honor is the largest youth recognition program in the United States, which recognizes middle and high school students based upon their outstanding service to others. To introduce our first honoree, the senator from District 22."

Senator Dela Cruz rose to present the following remarks:

"Aloha. The Prudential Spirit of Community Awards, created in 1995, is the United States' largest youth recognition program, based on exemplary volunteer community service. This prestigious award strives to acknowledge young people across the nation who represent the best of America's youth, who are role models to their peers and their communities. Chelsea Masaki, an eighth grader at Mililani Middle School, was named one of the top two youth volunteers in Hawai'i for 2019 out of 29,000 young people across the country who participated in this year's program. Chelsea works to keep the ocean and beaches of Hawai'i clean by participating in regular cleanups and activities for the past three years, and educates others about the dangers of plastic pollution. In the gallery, we have Chelsea's parents, Sean and Judy Masaki; and if we can just acknowledge Chelsea for all her hard work and her leadership. Congratulations."

Senator Ihara rose to present the following remarks:

"Another of this year's two top student youth volunteers is Ryan Park, who is 18 and a senior at Punahou School. About two years ago, a tumor was found on Ryan's tailbone, and he thought that this might be the end for him. Reflecting on his life, he recalled that one of the things that brought him joy was helping others. After finding out that his tumor was benign, he resolved to make the most of his life, and he organized a club called HOPE, or Helping Oncology Patients Everywhere. He grew his club into a nonprofit organization that aims to improve the lives of people with cancer and their families through hospital volunteering, fundraising, and personal interaction. HOPE is now 150 members strong. Members participate in many activities, including giving monthly music recitals at treatment centers, sharing food and craft with young patients, raising money for gifts, and participating in national cancer-related fundraising drives. Ryan has also designed specialty T-shirts and tote bags to help raise money. Please join me in congratulating Ryan Park for turning a personal challenge into a passion for helping others and being a role model for his peers and our community. Thank you, Ryan Park. Mr. President, Ryan's mother, Imei Sun, is in the gallery this morning, and you've already met his brother, Joshua, who is a member of the 'Iolani LifeSmarts team. Thank you; I now return the floor to the senator from Mililani."

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

The Senate reconvened at 11:49 a.m.

The Chair recognized Ryan Park's brother Joshua, who was seated in the gallery.

Senator Ruderman acknowledged Catherine Chow, the 2019 Prudential Spirit of Community Distinguished Finalist from Kea'au High School, who was not in attendance.

Senator Taniguchi rose to present the following remarks:

"Colleagues, it gives me great pleasure to introduce a 2019 Hawai'i State Distinguished Finalist of the Prudential Spirit of Community Award, Stefani Sakamoto. Ms. Sakamoto is a senior at Punahou School and lives in my district. Through her Girl Scout project, she created a multi-faceted nutrition education program that she named ALOHA (A Life of Healthy Actions). She has reached more than 200 children and families by teaching them about nutrition and healthy eating for sustainability. She designed a website with information about healthy eating, and she also has a blog. Stefani wants to pursue a business management degree in college and hopes that it will provide a solid foundation for her to be a leader for change and a future director or founder of a service-oriented company or organization. Will you please give Stefani another round of applause? Congratulations. Joining us in the gallery are her parents, Steve and Lori Sakamoto. Thank you, Mr. President."

Senator Kidani then congratulated the 'Iolani LifeSmarts team, and presented the following remarks:

"In addition to these student leaders, we would like to acknowledge the student teams from Waipahu High School and 'Iolani School as the recipients of the 2019 Hawai'i LifeSmarts competition. This competition is a consumer-education program which challenges students to showcase their knowledge of the modern marketplace. The program is intended to provide students with invaluable consumer literacy skills in preparation for real-world opportunities. We offer our congratulations to 'Iolani School, the 2019 Hawai'i LifeSmarts state preliminary competition winner, who will be representing Hawai'i in Orlando, Florida, for the national competition next month. To introduce this honoree, the senator from District 10."

Senator Ihara rose to present the following remarks:

"On the floor today, Mr. President, is the team captain of the 'Iolani LifeSmarts team, Jayson Guo. There are team members in the gallery: Scott Okagawa and Joshua Park. Loui Ikei is missing due to illness, and another missing member is Noah Taniguchi, the son of our own Chief Clerk. Noah is traveling this week with the school orchestra, where he plays the viola. I'm told his parents now rely on him for expert consumer advice, and I'm sure this is true for the families and friends of his teammates. Also with us today in the gallery is the 'Iolani LifeSmarts coach, James Rubasch. He devotes so much time supporting and preparing these winning students. Please join me in congratulating the 'Iolani LifeSmarts champions. I would like to also recognize a few team supporters present with us in the gallery. The first is Imei Sun, who is the mother of Joshua Park, and from the Department of Commerce and Consumer Affairs, from the office that coordinates the LifeSmarts program, commissioner Ty Nohara and Theresa Kong Kee—thank you all for your support of our students."

The Chair recognized Senate Chief Clerk Carol Taniguchi, mother of Noah Taniguchi, a member of the 'Iolani LifeSmarts team.

Senator Nishihara acknowledged the Waipahu High School LifeSmarts team and their coach, Cindy Takara, for their impressive performance at the state competition.

Senator Kidani extended additional congratulations to the Waipahu High School LifeSmarts team and coaches.

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

The Senate reconvened at 12:05 p.m.

The Chair introduced Cindy Takara and Sherry Tenn, coaches of the Waipahu High School LifeSmarts team.

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 648 to 662) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 648, submitting for consideration and confirmation to the Hoisting Machine Operators Advisory Board, the nomination of JOHN MIHLBAUER, JR., term to expire June 30, 2022, was referred to the Committee on Labor, Culture and the Arts.

Gov. Msg. No. 649, submitting for consideration and confirmation to the Civil Rights Commission, the nomination of WILLIAM PUETTE, term to expire June 30, 2021, was referred to the Committee on Judiciary.

Gov. Msg. No. 650, submitting for consideration and confirmation to the Civil Rights Commission, the nomination of JOAKIM PETER, term to expire June 30, 2023, was referred to the Committee on Judiciary.

Gov. Msg. No. 651, submitting for consideration and confirmation to the Civil Rights Commission, the nomination of JON MATSUOKA, term to expire June 30, 2023, was referred to the Committee on Judiciary.

Gov. Msg. No. 652, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of ARTHUR SAMPAGA JR., term to expire June 30, 2021, was referred to the Committee on Higher Education.

Gov. Msg. No. 653, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of JULIO ZAMARRIPA, term to expire June 30, 2023, was referred to the Committee on Higher Education.

Gov. Msg. No. 654, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of BONNIE CASTONGUAY, term to expire June 30, 2019, was referred to the Committee on Higher Education.

Gov. Msg. No. 655, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of BONNIE CASTONGUAY, term to expire June 30, 2023, was referred to the Committee on Higher Education.

Gov. Msg. No. 656, submitting for consideration and confirmation to the State Board of Public Accountancy, the nomination of JOHN ROBERTS, term to expire June 30, 2023, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 657, submitting for consideration and confirmation to the State Board of Public Accountancy, the nomination of TERRENCE ARATANI, term to expire June 30, 2023, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 658, submitting for consideration and confirmation to the Board of Pharmacy, the nomination of SHERI TOKUMARU, term to expire June 30, 2020, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 659, submitting for consideration and confirmation to the Board of Pharmacy, the nomination of CATALINA CROSS, term to expire June 30, 2023, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 660, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of MARY BROGAN, term to expire June 30, 2023, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 661, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of DREW SARANILLIO, term to expire June 30, 2022, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 662, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of JOSHUA IGE, term to expire June 30, 2022, was referred to the Committee on Commerce, Consumer Protection, and Health.

#### STANDING COMMITTEE REPORTS

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 1226) recommending that H.B. No. 1483, 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 Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and H.B. No. 1483, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CLIMATE CHANGE," 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. 1227) recommending that H.B. No. 1366, 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 Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and H.B. No. 1366, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH BUDGET," 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. 1228) recommending that H.B. No. 1103, 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 Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and H.B. No. 1103, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PESTICIDE SUBSIDY PROGRAM," 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. 1229) recommending that H.B. No. 1367, 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 Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and H.B. No. 1367, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH BUDGET," 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. 1230) recommending that H.B. No. 860, 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 Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and H.B. No. 860, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND AND BUILDING ACQUISITION," 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. 1231) recommending that H.B. No. 1365, 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 Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and H.B. No. 1365, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF AGRICULTURE BUDGET," 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. 1232) recommending that H.B. No. 1561, 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 Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and H.B. No. 1561, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRIBUSINESS DEVELOPMENT," 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. 1233) recommending that H.B. No. 1562, 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 Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and H.B. No. 1562, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF AGRICULTURE OPERATING BUDGET," 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. 1234) recommending that H.B. No. 425, 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 Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and H.B. No. 425, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER QUALITY MONITORING," 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. 1235) recommending that H.B. No. 530, 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 Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and H.B. No. 530, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANAGEMENT OF STATE FUNDS," 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. 1236) recommending that H.B. No. 616, H.D. 1 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and H.B. No. 616, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," 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. 1237) recommending that H.B. No. 123, H.D. 2 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and H.B. No. 123, 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 Taniguchi, for the Committee on Labor, Culture and the Arts, presented a report (Stand. Com. Rep. No. 1238) recommending that H.B. No. 418, 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 Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and H.B. No. 418, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Taniguchi, for the Committee on Labor, Culture and the Arts, presented a report (Stand. Com. Rep. No. 1239) recommending that H.B. No. 1532, H.D. 1 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and H.B. No. 1532, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURES," passed Second Reading and was referred to the Committee on Judiciary.

## ORDER OF THE DAY

### ADVISE AND CONSENT

Stand. Com. Rep. No. 1225 (Gov. Msg. No. 601):

Senator Taniguchi moved that Stand. Com. Rep. No. 1225 be received and placed on file, seconded by Senator Ihara and carried.

Senator Taniguchi 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 5, 2022, seconded by Senator Ihara.

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

“Ryker Wada is currently the director of Human Resources Development. Previously, he served as a deputy director of HRD and as personnel regional officer of the Department of Education from February 2015 to January 2017. Mr. Wada earned his bachelor of arts in political science from the University of Washington and a juris doctor from the University of California, Hastings College of the Law. He was admitted to practice law in the State of Hawai‘i in 2003 and has served in a number of positions, both in public service and private practice.

“Testifiers commented on Mr. Wada’s leadership skills, ability to collaborate, approachability, supportive nature, strong commitment to Hawai‘i’s public servants, and passion for public service—qualities that benefit the department as it strives to fulfill its mandates. Your Committee believes that Mr. Wada, with approximately 16 years of experience in human resources, possesses the qualifications to continue to serve as the director of Human Resources Development. Your Committee on Labor, Culture and the Arts finds that Mr. Wada’s experience, leadership, and collaborative nature will continue to serve him well as director of Human Resources Development, and recommends that the Senate advise and consent to his nomination. Thank you, Mr. President.”

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

Ayes, 23. Noes, none. Excused, 2 (Harimoto, Keith-Agaran).

Senator Taniguchi introduced Director Ryker Wada, who was present in the gallery with his wife, Vanessa Ito; his sons, Ezekiel and Elijah; his parents, Richard and Margaret Wada; his sister Megan Wada, her significant other Eduardo Roman and niece Astrid Roman; his aunty Susan Minato; his cousins Kristin Minato and Ned Uemae; his mother-in-law, Anne Ito; and staff supporters from the Department of Human Resources Development.

At 12:10 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:18 p.m.

**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. 169 Committee on Commerce, Consumer Protection, and Health
- S.C.R. No. 171 Committee on Commerce, Consumer Protection, and Health
- S.C.R. No. 176 Committee on Water and Land
- S.C.R. No. 195 Committee on Commerce, Consumer Protection, and Health

**RE-REFERRAL OF SENATE RESOLUTIONS**

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

- S.R. No.: Re-referred to:
- S.R. No. 135 Committee on Commerce, Consumer Protection, and Health
- S.R. No. 138 Committee on Commerce, Consumer Protection, and Health

S.R. No. 143 Committee on Water and Land

S.R. No. 158 Committee on Commerce, Consumer Protection, and Health

Senator Kidani, Chair of the Committee on Education, rose to request a waiver pursuant to Senate Rule 21 for H.B. No. 1583, H.D. 2, and the Chair granted the waiver.

Senator Kidani then announced that the Committee on Education and the Committee on Energy, Economic Development, and Tourism would be holding a public hearing on H.B. No. 1583, H.D. 2 on Wednesday, March 20, 2019, at 3:15 p.m. in Conference Room 414.

Senator English rose on a point of personal privilege to inform the members that there would be a luncheon reception for Southwest Airlines that afternoon in Conference Room 329.

Senator Baker informed the members of the Women’s Legislative Caucus Easter basket donation drive for the Institute for Human Services and The Salvation Army, and encouraged the members to participate.

Senator Kahele commended the University of Hawai‘i at Mānoa men’s volleyball team on their recent wins, noting that they had not lost a single set throughout the entire season and were still ranked second behind Long Beach State University.

The Chair commented:

“I am now going to hit the reboot button and I am looking forward to us finishing the rest of our Monday and, more importantly, the rest of the week a lot better than we did this morning.”

**ADJOURNMENT**

At 12:20 p.m., on motion by Senator Kahele, seconded by Senator Fevella and carried, the Senate adjourned until 11:30 a.m., Tuesday, March 19, 2019.