

FORTIETH DAY

Thursday, March 28, 2019

The Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019, convened at 11:33 a.m. with the President in the Chair.

The Roll was called showing all Senators present.

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

At this time, Senator Harimoto thanked his office manager, Linda Nunes, for delivering a Moment of Contemplation prior to the Senate's floor session, and introduced office staff Robert Sato and Kess O'Halloran, who were seated in the gallery with members of Linda Nunes's family: her partner, Joneal Altura, and his family from Maui—father Dionisio; mother Nelia; brother John and his girlfriend, Joy; and other friends.

The Chair extended an additional welcome to Linda Nunes's partner, thanked him for his service, and, on behalf of the Senate, offered prayers and best wishes for his deployment.

Senator Thielen introduced members of her office staff: interns Jessie Garbeil and Anna Thielen, session staffer Rudy Gordon, Zachary Espino, Jennifer Barra, and Eliza Wilcox.

Senator Fevella recognized staff member Tristel Tynanes, and wished her a happy birthday.

Senator Gabbard congratulated the Hawai'i Youth Challenge Academy on its 25th anniversary, and presented the following remarks:

"Mr. President, colleagues, and guests in the gallery, we are honored to have with us today the Hawai'i Youth Challenge Academy, which hails from Kalaeloa, formerly known as Barbers Point Naval Air Station, in Senate District 20, also known as God's Country. Yes, we have the Youth Challenge O'ahu campus Class 50; there are 83 cadets in the gallery as well as their staff, including their leadership team, joining us here on the Senate floor. And today, we are recognizing and celebrating the 25th anniversary of this amazing program here in Hawai'i nei. First we'll start off with the leadership team on the floor: the Youth Challenge O'ahu director, Sina Atanoa; operations chief Pasila Taua; program coordinator Brandon Suzuki; Hilo interim director Ku'ulei Kekuewa; mentor coordinator Margaret Tatum; lead counselor Penina McMoore; lead instructor Sesega Sivatia; and the Youth Challenge Class 50 student president, Cadet Fernandez Sauvao. Please give them a hand. Thank you.

"Youth Challenge was founded in 1994 and is administered by the Hawaii Army National Guard. With campuses in Kalaeloa on O'ahu and Hilo on Hawai'i island, Youth Challenge provides 16- to 19-year-old, non-traditional, at-risk youth a second chance to obtain their high school diploma and become productive citizens within our community and state. I'm particularly honored to have Youth Challenge here today because the graduation of Class 50, which will be on Father's Day, June 16th, as I mentioned earlier, marks their 25th anniversary here in Hawai'i. In a rigorous five-and-a-half month live-in program in former Barbers Point Naval Station enlisted soldiers' barracks, Youth Challenge instills discipline and a sense of self-worth by using military training to improve the life skills and employment potential of the young people who are accepted into the program. The program's eight core components focus on the holistic development of the youth and include academic excellence, life-coping skills, job skills, health and hygiene, responsible citizenship, community service, leadership/followership, and physical fitness. Some of their

community service projects, where they're learning about service to others, include Loko Ea fishpond, Wahiawa Hospital, Aloun Farms, Adopt a Highway, Wai'anae Boat Harbor, and fun fair for the surrounding community. In addition, Youth Challenge has a wonderful mentor program of volunteer mentors from the community who meet with their assigned cadets not only during the cycle but for a year after graduation. Some of the graduating cadets choose to join the military; some continue their education; others enter the workforce. For example, Boyd Torricer, a Class 16 graduate in 2002—and he was a keynote speaker for Class 49—has gone on to a successful career as an air traffic controller here at our Honolulu airport.

"As a senator from the district, a former high school English teacher, and a neighbor to Youth Challenge in Kalaeloa, I can't say enough about this wonderful life-changing program for the cadets who graduate. Each cycle, Youth Challenge accepts approximately 225 young people. Roughly 21 percent of those who enter the academy fail to complete the course. About 80 percent graduate and go on to earn their high school diploma. Since its inception, the programs in Hawai'i have graduated over 6,800 students. Over the years, I've worked closely with Youth Challenge leadership and have had the honor of attending several of their functions, from helping cadets serving dinner at a homeless shelter to being the keynote speaker for a couple of their graduating classes. I created a \$500 scholarship for a deserving cadet from each class as a way to encourage and reward these students who go above and beyond during their stay at YCA. Today, I'm honoring these courageous leaders, cadres, and staff to show my appreciation for all they have done and continue to do to help at-risk youth find themselves and become productive members of the community. I suppose you could say I have a unique bond with Youth Challenge Academy. Living just down the street from the barracks, we have the distinct pleasure of hearing their bugle blasting 'Reveille' every morning at 5:00. Today, it was a little early: It was at 4:51 a.m. (I think they got 'em up a little early because they knew they were making a field trip to the State Capitol.) And some mornings, when I hear the cadets marching in that wonderful Kalaeloa air and the birds chirping, I hear this [*Hawai'i Youth Challenge Academy cadence*].

"Now, it may come as a surprise to many of you, but I was an, ahem, an at-risk youth myself, and I give a pep talk to each Youth Challenge class a couple days before graduation, where I divulge some of the sordid details of my rebellious youth and how I turned my life around, and I speak to them about some of the problems that we face here in paradise: the cost of living, affordable housing, homelessness, and how they should get involved in helping solve these problems instead of just complaining about them. I talk to them about the importance of serving others instead of oneself if they want to be truly happy and successful in life. I let the cadets know how much I believe in this program and how proud I am of their commitment to see it through to its end. Hawai'i's Youth Challenge Academy program has been recognized as one of the nation's most effective for at-risk teens, and its value never ceases to amaze me. YCA has been changing the lives of young men and women since 1994, leaving a positive mark on the Hawaiian community that will last for years to come. So, today, the Senate of the Thirtieth Legislature of the State of Hawai'i, hereby honors and commends the Hawai'i Youth Challenge Academy leadership team and staff for having the vision, determination, and commitment to help the young cadets under your care get a second chance at a productive and successful life. We commend you for your efforts over the years to sustain and facilitate a program that nourishes and grows Hawai'i's youth, and we wish

you continued success. Congratulations to Class 50 and to the Youth Challenge Academy staff on your 25th anniversary. Imua!

“Mr. President, in the gallery, I’d like to recognize the following Youth Challenge Academy staff: Larry Sivatia, Philip Ganaban, Isaac Ava, Michelle Small, Maria Miller, Christopher Barrows, Shauna McHugh, Sean Donohue, Donna Yoshimura, Kiarra Bae, Grace Kawamura, Justin Faulkner, Robin Kunishige, Maaele Fonoti, Monique Jackson, Gail Fujimoto, Roger Chavira, Taigaafi Titilii, Stevie Ward, Carol Agbisit, Jerome Bayron, Saifoloi Filisi, and Shanna Von Oelhoffen. Please give them a big hand. And, last but certainly not least, would Class 50 please rise and be recognized? Youth Challenge! Thank you, Mr. President.”

Senator Shimabukuro extended additional congratulations and thanks to the Hawai‘i Youth Challenge Academy, and shared that she had personally seen many lives changed due to their great work.

At 11:46 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:51 a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 686 to 708) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 686, submitting for consideration and confirmation to the Early Learning Advisory Board, the nomination of KERRIE UROSEVICH, term to expire June 30, 2022, was referred to the Committee on Education.

Gov. Msg. No. 687, submitting for consideration and confirmation to the Early Learning Advisory Board, the nomination of LEILANI AU, term to expire June 30, 2020, was referred to the Committee on Education.

Gov. Msg. No. 688, submitting for consideration and confirmation to the Kaho‘olawe Island Reserve Commission, the nomination of JOSHUA KAAKUA, term to expire June 30, 2023, was referred to the Committee on Water and Land.

Gov. Msg. No. 689, submitting for consideration and confirmation to the Moloka‘i Irrigation System Water Users Advisory Board, the nomination of FAITH TUIPULOTU, term to expire June 30, 2020, was referred to the Committee on Water and Land.

Gov. Msg. No. 690, submitting for consideration and confirmation to the Moloka‘i Irrigation System Water Users Advisory Board, the nomination of JILL COOMBS, term to expire June 30, 2023, was referred to the Committee on Water and Land.

Gov. Msg. No. 691, submitting for consideration and confirmation to the Moloka‘i Irrigation System Water Users Advisory Board, the nomination of NATHANIEL OSWALD, term to expire June 30, 2021, was referred to the Committee on Water and Land.

Gov. Msg. No. 692, submitting for consideration and confirmation to the State Highway Safety Council, the nomination of CHARLES HIRATA, term to expire June 30, 2021, was referred to the Committee on Transportation.

Gov. Msg. No. 693, submitting for consideration and confirmation to the State Highway Safety Council, the nomination of BYRON FUJIEDA, term to expire June 30, 2021, was referred to the Committee on Transportation.

Gov. Msg. No. 694, submitting for consideration and confirmation to the State Highway Safety Council, the nomination of THOMAS NOYES, term to expire June 30, 2022, was referred to the Committee on Transportation.

Gov. Msg. No. 695, submitting for consideration and confirmation to the Environmental Council, the nomination of RONALD TERRY, term to expire June 30, 2023, was referred to the Committee on Agriculture and Environment.

Gov. Msg. No. 696, submitting for consideration and confirmation to the Environmental Council, the nomination of BARBARA KAAUMOANA, term to expire June 30, 2023, was referred to the Committee on Agriculture and Environment.

Gov. Msg. No. 697, submitting for consideration and confirmation to the Motor Vehicle Repair Industry Board, the nomination of STUART LAU, term to expire June 30, 2023, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 698, submitting for consideration and confirmation to the Motor Vehicle Repair Industry Board, the nomination of ROBERT FIGARO, term to expire June 30, 2022, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 699, submitting for consideration and confirmation to the Hawai‘i Board of Optometry, the nomination of ROBB SHIBAYAMA, term to expire June 30, 2023, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 700, submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, the nomination of BLAKE OSHIRO, term to expire June 30, 2023, was referred to the Committee on Judiciary.

Gov. Msg. No. 701, submitting for consideration and confirmation to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, the nomination of ROBERTO YUMOL, term to expire June 30, 2023, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 702, submitting for consideration and confirmation to the Board of Dentistry, the nomination of GEORGE WESSBERG, term to expire June 30, 2019, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 703, submitting for consideration and confirmation to the Board of Dentistry, the nomination of GEORGE WESSBERG, term to expire June 30, 2023, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 704, submitting for consideration and confirmation to the Board of Dentistry, the nomination of SHARON TANAKA, term to expire June 30, 2023, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 705, submitting for consideration and confirmation to the Board of Dentistry, the nomination of JOYCE YAMADA, term to expire June 30, 2023, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 706, submitting for consideration and confirmation to the Island Burial Council, Island of Hawai‘i, the nomination of DESMON HAUMEA, term to expire June 30, 2022, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 707, submitting for consideration and confirmation to the Early Learning Advisory Board, the nomination of BENJAMIN NAKI III, term to expire June 30, 2022, was referred to the Committee on Education.

Gov. Msg. No. 708, submitting for consideration and confirmation to the Hawai'i Workforce Development Council, the nomination of ALAN HAYASHI, term to expire June 30, 2023, was referred to the Committee on Labor, Culture and the Arts.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 511 and 512) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 511, informing the Senate that on March 27, 2019, H.B. No. 2, H.D. 1, S.D. 1, C.D. 1 passed Final Reading in the House of Representatives, was placed on file.

Hse. Com. No. 512, transmitting H.C.R. No. 43, which was adopted by the House of Representatives on March 27, 2019, was placed on file.

By unanimous consent, H.C.R. No. 43, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION AND THE GOVERNOR TO COLLABORATE WITH THE LEGISLATURE TO ENSURE EXPEDITED BURIALS FOR VETERANS, DECEASED ACTIVE DUTY MEMBERS OF THE UNITED STATES ARMED FORCES, AND THEIR SPOUSES AT VETERANS CEMETERIES THROUGHOUT THE STATE OF HAWAII," was referred to the Committee on Public Safety, Intergovernmental, and Military Affairs.

STANDING COMMITTEE REPORTS

Senator Dela Cruz, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1651) recommending that H.B. No. 1180, H.D. 1 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1651 and H.B. No. 1180, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL DISASTERS," was deferred until Friday, March 29, 2019.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1652) recommending that S.C.R. No. 7, S.D. 1 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1652 and S.C.R. No. 7, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC SAFETY, TO WORK WITH THE FAMILY REUNIFICATION WORKING GROUP AND OTHER COMMUNITY STAKEHOLDERS TO DEVELOP A PLAN TO ESTABLISH VISITATION CENTERS AT ALL STATE CORRECTIONAL FACILITIES AND JAILS," was deferred until Friday, March 29, 2019.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1653) recommending that S.R. No. 7, S.D. 1 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1653 and S.R. No. 7, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC SAFETY, TO WORK WITH THE FAMILY REUNIFICATION WORKING GROUP AND OTHER COMMUNITY STAKEHOLDERS TO DEVELOP A PLAN TO ESTABLISH VISITATION CENTERS AT ALL STATE CORRECTIONAL FACILITIES AND JAILS," was deferred until Friday, March 29, 2019.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 1654) recommending that S.C.R. No. 63, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1654 and S.C.R. No. 63, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE REAL ESTATE COMMISSION TO CONDUCT A STUDY ON THE IMPLEMENTATION OF RECOMMENDATIONS FOUND IN THE CONDOMINIUM GOVERNANCE – AN EXAMINATION OF SOME ISSUES 1989 REPORT BY THE LEGISLATIVE REFERENCE BUREAU," was deferred until Friday, March 29, 2019.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 1655) recommending that S.R. No. 41, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1655 and S.R. No. 41, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE REAL ESTATE COMMISSION TO CONDUCT A STUDY ON THE IMPLEMENTATION OF RECOMMENDATIONS FOUND IN THE CONDOMINIUM GOVERNANCE – AN EXAMINATION OF SOME ISSUES 1989 REPORT BY THE LEGISLATIVE REFERENCE BUREAU," was deferred until Friday, March 29, 2019.

Senator Inouye, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1656) recommending that the Senate advise and consent to the nomination of OSCAR DELLINGER III to the Medical Advisory Board, in accordance with Gov. Msg. No. 635.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1656 and Gov. Msg. No. 635 was deferred until Friday, March 29, 2019.

ORDER OF THE DAY

AGREE/DISAGREE

MATTER DEFERRED FROM WEDNESDAY, MARCH 27, 2019

S.B. No. 767, S.D. 1 (H.D. 1):

By unanimous consent, action on S.B. No. 767, S.D. 1 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," was deferred until Friday, March 29, 2019.

THIRD READING

H.B. No. 165:

On motion by Senator Rhoads, seconded by Senator Wakai and carried, H.B. No. 165, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN REPORTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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. 89, Committee on Public Safety, H.D. 2, S.D. 1 Intergovernmental, and Military Affairs, then jointly to the Committee on Judiciary and the Committee on Ways and Means

H.B. No. 220, Jointly to the Committee on Commerce, H.D. 1 Consumer Protection, and Health and the

Committee on Ways and Means

H.B. No. 1360, Jointly to the Committee on Commerce,
H.D. 2 Consumer Protection, and Health and the
Committee on Ways and Means

**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. 109 Committee on Labor, Culture and the Arts

S.C.R. No. 133 Committee on Transportation

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. 102 Committee on Transportation

Senator Baker, Chair of the Committee on Commerce, Consumer Protection, and Health, rose to request a waiver pursuant to Senate Rule 21 for Gov. Msg. No. 531.

Senator Baker noted:

“We’re requesting the waiver because this nominee had two governor’s messages, and one number was inadvertently left off of the hearing agenda.”

The Chair granted the waiver.

Senator Baker announced that the Committee on Commerce, Consumer Protection, and Health would be holding a public hearing on Gov. Msg. No. 531 the following morning at 9:30 a.m. in Conference Room 299.

Senator Dela Cruz rose to wish Senator Kahele a happy birthday.

ADJOURNMENT

At 11:54 a.m., on motion by Senator Kahele, seconded by Senator Fevella and carried, the Senate adjourned until 11:30 a.m., Friday, March 29, 2019.