

THE  
 TWENTY-NINTH LEGISLATURE  
 STATE OF HAWAII  
 SPECIAL SESSION OF 2017  
 JOURNAL OF THE SENATE

FIRST DAY

**Monday, August 28, 2017**

The Senate of the Twenty-Ninth Legislature of the State of Hawaii, Special Session of 2017, was called to order at 10:01 a.m., by Senator Ronald D. Kouchi, President of the Senate, in accordance with the following Proclamation:

“August 24, 2017

**PROCLAMATION**

I, Ronald D. Kouchi, President of the Senate of the Twenty-ninth Legislature of the State of Hawaii, and I, Scott K. Saiki, Speaker of the House of Representatives, of the Twenty-ninth Legislature of the State of Hawaii, pursuant to the power vested in Article III, section 10 of the Hawaii State Constitution, and at the written request of two-thirds of the members to which each house is entitled, do hereby convene the Legislature in special session at 10:00 a.m. on Monday, August 28, 2017, in the chambers of the Hawaii State Capitol, as sought in the petition, for the purpose of considering legislation and to provide each chamber with an opportunity to discharge any further business if necessary.

/s/ Ronald D. Kouchi  
 Ronald D. Kouchi  
 President of the Senate

/s/ Scott K. Saiki  
 Scott K. Saiki  
 Speaker of the House of  
 Representatives”

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

At this time, Senator Wakai introduced Senator Shelten G. Neth, Chairman of the Health and Social Services Committee, Ponhpei Legislature, who was present in the gallery.

**SENATE RESOLUTION**

The following resolution (S.R. No. 1) was read by the Clerk and was disposed of as follows:

S.R. No. 1 “SENATE RESOLUTION AMENDING RULE 16 OF THE RULES OF THE SENATE OF THE TWENTY-NINTH LEGISLATURE OF THE STATE OF HAWAII.”

Offered by: Senator English.

On motion by Senator Espero, seconded by Senator English, S.R. No. 1 was adopted.

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor (Gov. Msg. Nos. 1 to 57 and 101) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 1, submitting for consideration and confirmation to the Endangered Species Recovery Committee, the nomination of LISA SPAIN, term to expire June 30, 2021, was referred to the Committee on Agriculture and Environment.

Gov. Msg. No. 2, submitting for consideration and confirmation to the Endangered Species Recovery Committee, the nomination of LOYAL MEHRHOFF, term to expire June 30, 2019, was referred to the Committee on Agriculture and Environment.

Gov. Msg. No. 3, submitting for consideration and confirmation to the Public Utilities Commission, the nomination of JAMES GRIFFIN, term to expire June 30, 2022, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 4, submitting for consideration and confirmation to the State Board of Nursing, the nomination of KAREN BOYER, term to expire June 30, 2018, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 5, submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, the nomination of RONALD HAY, term to expire June 30, 2020, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 6, submitting for consideration and confirmation to the Disability and Communication Access Board, the nomination of MARIE KIMMEY, term to expire June 30, 2021, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 7, submitting for consideration and confirmation to the Disability and Communication Access Board, the nomination of SCOTT FLEMING, term to expire June 30, 2019, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 8, submitting for consideration and confirmation to the Emergency Medical Services Advisory Committee, the nomination of BRENT ROBINSON, term to expire June 30, 2020, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 9, submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, the nomination of JOY MIYASAKI, term to expire June 30, 2021, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 10, submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, the nomination of SARA YUAN, term to expire June 30, 2021, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 11, submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, the nomination of SUZANNE SCHULBERG, term to expire

June 30, 2021, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 12, submitting for consideration and confirmation to the State Council on Mental Health, the nomination of LOUISE CRUM, term to expire June 30, 2020, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 13, submitting for consideration and confirmation to the Statewide Health Coordinating Council, the nomination of JILL MIYAMURA, term to expire June 30, 2021, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 14, submitting for consideration and confirmation to the Enhanced 911 Board, the nomination of ROBERT GAUSEPOHL, term to expire June 30, 2020, was referred to the Committee on Government Operations.

Gov. Msg. No. 15, submitting for consideration and confirmation to the Commission on Fatherhood, the nomination of DAVID MATTOS, term to expire June 30, 2020, was referred to the Committee on Human Services.

Gov. Msg. No. 16, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Housing Finance and Development Corporation, the nomination of DONN MENDE, term to expire June 30, 2021, was referred to the Committee on Housing.

Gov. Msg. No. 17, submitting for consideration and confirmation to the Hawai'i Medical Education Council, the nomination of SHARON VITOUSEK, term to expire June 30, 2021, was referred to the Committee on Higher Education.

Gov. Msg. No. 18, submitting for consideration and confirmation to the Board of Registration of the Island of Hawai'i, the nomination of SHAWN MERRILL, term to expire June 30, 2019, was referred to the Committee on Judiciary.

Gov. Msg. No. 19, submitting for consideration and confirmation to the State Foundation on Culture and the Arts Commission, the nomination of CLYDE SAKAMOTO, term to expire June 30, 2020, was referred to the Committee on Judiciary.

Gov. Msg. No. 20, submitting for consideration and confirmation to the State Foundation on Culture and the Arts Commission, the nomination of NALANI BRUN, term to expire June 30, 2021, was referred to the Committee on Judiciary.

Gov. Msg. No. 21, submitting for consideration and confirmation to the State Foundation on Culture and the Arts Commission, the nomination of SHERMAN WARNER, term to expire June 30, 2021, was referred to the Committee on Judiciary.

Gov. Msg. No. 22, submitting for consideration and confirmation to the Board of Trustees of the Deferred Compensation Plan, the nomination of BRIAN MOTO, term to expire June 30, 2021, was referred to the Committee on Labor.

Gov. Msg. No. 23, submitting for consideration and confirmation to the Board of Trustees of the Deferred Compensation Plan, the nomination of KENNETH VILLABRILLE, term to expire June 30, 2021, was referred to the Committee on Labor.

Gov. Msg. No. 24, submitting for consideration and confirmation to the Hawai'i Workforce Development Council, the nomination of DWIGHT TAKAMINE, term to expire June 30, 2020, was referred to the Committee on Labor.

Gov. Msg. No. 25, submitting for consideration and confirmation to the Board of Taxation Review, 3rd Taxation District (Hawaii), the nomination of CHRISTOPHER HANNIGAN, term to expire June 30, 2020, was referred to the Committee on Ways and Means.

Gov. Msg. No. 26, submitting for consideration and confirmation to the Land Use Commission, the nomination of GARY OKUDA, term to expire June 30, 2021, was referred to the Committee on Water and Land.

Gov. Msg. No. 27, submitting for consideration and confirmation to the Land Use Commission, the nomination of LEE OHIGASHI, term to expire June 30, 2020, was referred to the Committee on Water and Land.

Gov. Msg. No. 28, submitting for consideration and confirmation to the Land Use Commission, the nomination of LINDA ESTES, term to expire June 30, 2021, was referred to the Committee on Water and Land.

Gov. Msg. No. 29, submitting for consideration and confirmation to the Land Use Commission, the nomination of NANCY CABRAL, term to expire June 30, 2021, was referred to the Committee on Water and Land.

Gov. Msg. No. 30, submitting for consideration and confirmation to the Kāne'ohe Bay Regional Council, the nomination of CLAYTON HANAGAMI, term to expire June 30, 2021, was referred to the Committee on Water and Land.

Gov. Msg. No. 31, submitting for consideration and confirmation to the Kāne'ohe Bay Regional Council, the nomination of CLIFFORD LOO, term to expire June 30, 2021, was referred to the Committee on Water and Land.

Gov. Msg. No. 32, submitting for consideration and confirmation to the Language Access Advisory Council, the nomination of CARI UESUGI, term to expire June 30, 2020, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 33, submitting for consideration and confirmation to the Civil Rights Commission, the nomination of JOAKIM PETER, term to expire June 30, 2019, was referred to the Committee on Judiciary.

Gov. Msg. No. 34, submitting for consideration and confirmation to the Western Interstate Commission for Higher Education, the nomination of COLLEEN SATHRE, term to expire June 30, 2021, was referred to the Committee on Higher Education.

Gov. Msg. No. 35, submitting for consideration and confirmation to the Board of Regents of the University of Hawai'i, the nomination of DOUGLAS SHINSATO, term to expire June 30, 2018, was referred to the Committee on Higher Education.

Gov. Msg. No. 36, submitting for consideration and confirmation to the Commission on Fatherhood, the nomination of CALEB MILLIKEN, term to expire June 30, 2020, was referred to the Committee on Human Services.

Gov. Msg. No. 37, submitting for consideration and confirmation to the Stadium Authority, the nomination of BRENNON MORIOKA, term to expire June 30, 2021, was referred to the Committee on Economic Development, Tourism, and Technology.

Gov. Msg. No. 38, submitting for consideration and confirmation to the Stadium Authority, the nomination of AUDREY ABE, term to expire June 30, 2021, was referred to the Committee on Economic Development, Tourism, and Technology.

Gov. Msg. No. 39, submitting for consideration and confirmation to the Small Business Regulatory Review Board, the nomination of REG BAKER, term to expire June 30, 2018, was referred to the Committee on Economic Development, Tourism, and Technology.

Gov. Msg. No. 40, submitting for consideration and confirmation as Deputy to the Chairperson, Department of Land and Natural Resources, the nomination of ROBERT MASUDA, term to expire at noon on December 3, 2018, was referred to the Committee on Water and Land.

Gov. Msg. No. 41, submitting for consideration and confirmation to the Aha Moku Advisory Committee, the nomination of KEITH ROBINSON, term to expire June 30, 2020, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 42, submitting for consideration and confirmation to the Aha Moku Advisory Committee, the nomination of WILLIAM KAHOLOAA SR., term to expire June 30, 2020, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 43, submitting for consideration and confirmation to the Aha Moku Advisory Committee, the nomination of RICHARD HOOPII, term to expire June 30, 2020, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 44, submitting for consideration and confirmation to the Aha Moku Advisory Committee, the nomination of LESLIE KULOLOIO, term to expire June 30, 2020, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 45, submitting for consideration and confirmation to the Aha Moku Advisory Committee, the nomination of FRANCES KALUHIWA, term to expire June 30, 2020, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 46, submitting for consideration and confirmation to the Aha Moku Advisory Committee, the nomination of PILANI KAAWALOA, term to expire June 30, 2020, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 47, submitting for consideration and confirmation to the Aha Moku Advisory Committee, the nomination of THOMAS HASHIMOTO, term to expire June 30, 2020, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 48, submitting for consideration and confirmation to the Aha Moku Advisory Committee, the nomination of WINIFRED BASQUES, term to expire June 30, 2020, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 49, submitting for consideration and confirmation to the State Boxing Commission of Hawaii, the nomination of MICHAEL FREITAS, term to expire June 30, 2020, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 50, submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, the nomination of LINDA AXTELL-THOMPSON, term to expire June 30, 2021, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 51, submitting for consideration and confirmation to the Board of Dental Examiners, the nomination of PEARL ARRINGTON, term to expire June 30, 2021, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 52, submitting for consideration and confirmation to the Board of Dental Examiners, the nomination of SHARON TANAKA, term to expire June 30, 2019, was

referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 53, submitting for consideration and confirmation to the Hawai'i Community Development Authority Heeiea District, the nomination of JO-ANN LEONG, term to expire June 30, 2021, was referred to the Committee on Housing.

Gov. Msg. No. 54, submitting for consideration and confirmation to the Hawai'i Community Development Authority Heeiea District, the nomination of DONNA CAMVEL, term to expire June 30, 2018, was referred to the Committee on Housing.

Gov. Msg. No. 55, submitting for consideration and confirmation to the Hawai'i Community Development Authority Kalaeloa District, the nomination of MAEDA TIMSON, term to expire June 30, 2021, was referred to the Committee on Housing.

Gov. Msg. No. 56, submitting for consideration and confirmation to the Hawai'i Community Development Authority Kakaako District, the nomination of PHILLIP HASHA, term to expire June 30, 2021, was referred to the Committee on Housing.

Gov. Msg. No. 57, submitting for consideration and confirmation to the Hawai'i Community Development Authority Kakaako District, the nomination of JASON OKUHAMA, term to expire June 30, 2021, was referred to the Committee on Housing.

Gov. Msg. No. 101, letter dated August 23, 2017, transmitting two drafts of collective bargaining bills to fund agreements with the University of Hawaii Professional Assembly, Unit 7, and the United Public Workers, Units 1 and 10, was placed on file.

#### INTRODUCTION OF SENATE BILLS

On motion by Senator Espero, seconded by Senator English and carried, the following bills passed First Reading by title and were referred to committee:

S.B. No. 1 "A BILL FOR AN ACT RELATING TO TRANSPORTATION FINANCING"

Introduced by: Senator Kouchi, by request.

Referred to: Committee on Ways and Means

S.B. No. 2 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT COST ITEMS."

Introduced by: Senator Kouchi, by request.

Referred to: Jointly to the Committee on Labor and the Committee on Ways and Means

S.B. No. 3 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT."

Introduced by: Senator Kouchi, by request.

Referred to: Jointly to the Committee on Labor and the Committee on Ways and Means

S.B. No. 4 "A BILL FOR AN ACT RELATING TO GOVERNMENT."

Introduced by: Senator Kouchi, by request.

Referred to: Committee on Ways and Means

The Chair then made the following announcement:

"As a reminder to the members, a revised list of Senate leadership and standing committee assignments was distributed

to all offices on August 22. The Clerk is directed to place the same in the Journal.”

The following list of leadership and standing committees of the Senate and their respective chairs and members was revised on August 22, 2017:

Majority Leader:

J. Kalani English

Majority Caucus Leader:

Brickwood Galuteria

Majority Floor Leader:

Will Espero

Majority Whip:

Kaiali'i Kahele

Assistant Majority Whip:

Gilbert S.C. Keith-Agaran

#### AGRICULTURE AND ENVIRONMENT

Senator Mike Gabbard, Chair  
 Senator Gil Riviere, Vice Chair  
 Senator Clarence K. Nishihara  
 Senator Karl Rhoads  
 Senator Russell E. Ruderman

#### COMMERCE, CONSUMER PROTECTION, AND HEALTH

Senator Rosalyn H. Baker, Chair  
 Senator Jill N. Tokuda, Vice Chair  
 Senator Stanley Chang  
 Senator Will Espero  
 Senator Les Ihara, Jr.  
 Senator Clarence K. Nishihara  
 Senator Russell E. Ruderman

#### ECONOMIC DEVELOPMENT, TOURISM, AND TECHNOLOGY

Senator Glenn Wakai, Chair  
 Senator Brian T. Taniguchi, Vice Chair  
 Senator Rosalyn H. Baker  
 Senator Brickwood Galuteria  
 Senator Laura H. Thielen

#### EDUCATION

Senator Michelle N. Kidani, Chair  
 Senator Kaiali'i Kahele, Vice Chair  
 Senator Donovan M. Dela Cruz  
 Senator Will Espero  
 Senator Donna Mercado Kim

#### GOVERNMENT OPERATIONS

Senator Donna Mercado Kim, Chair  
 Senator Russell E. Ruderman, Vice Chair  
 Senator Brickwood Galuteria  
 Senator Gilbert S.C. Keith-Agaran  
 Senator Karl Rhoads

#### HAWAIIAN AFFAIRS

Senator Maile S.L. Shimabukuro, Chair  
 Senator Brickwood Galuteria, Vice Chair  
 Senator J. Kalani English  
 Senator Josh Green  
 Senator Gil Riviere

#### HIGHER EDUCATION

Senator Kaiali'i Kahele, Chair  
 Senator Donna Mercado Kim, Vice Chair  
 Senator Stanley Chang

Senator Gilbert S.C. Keith-Agaran  
 Senator Michelle N. Kidani

#### HOUSING

Senator Will Espero, Chair  
 Senator Breene Harimoto, Vice Chair  
 Senator Josh Green  
 Senator Kaiali'i Kahele  
 Senator Clarence K. Nishihara

#### HUMAN SERVICES

Senator Josh Green, Chair  
 Senator Stanley Chang, Vice Chair  
 Senator Breene Harimoto  
 Senator Jill N. Tokuda  
 Senator Glenn Wakai

#### LABOR

Senator Jill N. Tokuda, Chair  
 Senator J. Kalani English, Vice Chair  
 Senator Stanley Chang  
 Senator Les Ihara, Jr.  
 Senator Brian T. Taniguchi

#### JUDICIARY

Senator Brian T. Taniguchi, Chair  
 Senator Karl Rhoads, Vice Chair  
 Senator Mike Gabbard  
 Senator Donna Mercado Kim  
 Senator Laura H. Thielen

#### PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Senator Clarence K. Nishihara, Chair  
 Senator Glenn Wakai, Vice Chair  
 Senator Rosalyn H. Baker  
 Senator Les Ihara, Jr.  
 Senator Laura H. Thielen

#### TRANSPORTATION AND ENERGY

Senator Lorraine R. Inouye, Chair  
 Senator Will Espero, Vice Chair  
 Senator J. Kalani English  
 Senator Breene Harimoto  
 Senator Maile S.L. Shimabukuro

#### WATER AND LAND

Senator Karl Rhoads, Chair  
 Senator Mike Gabbard, Vice Chair  
 Senator Lorraine R. Inouye  
 Senator Gil Riviere  
 Senator Laura H. Thielen

#### WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair  
 Senator Gilbert S.C. Keith-Agaran, Vice Chair  
 Senator J. Kalani English  
 Senator Brickwood Galuteria  
 Senator Breene Harimoto  
 Senator Lorraine R. Inouye  
 Senator Kaiali'i Kahele  
 Senator Michelle N. Kidani  
 Senator Gil Riviere  
 Senator Maile S.L. Shimabukuro  
 Senator Glenn Wakai

**ADJOURNMENT**

At 10:06 a.m., on motion by Senator Espero, seconded by Senator English and carried, the Senate adjourned until 9:30 a.m., Tuesday, August 29, 2017.