

## EIGHTH DAY

## Wednesday, January 30, 2019

The Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019, convened at 11:36 a.m. with the President in the Chair.

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

The President announced that he had read and approved the Journal of the Seventh Day.

## DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 264 to 327) were read by the Clerk and were placed on file:

Dept. Com. No. 264, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the WIA Youth, Adult, and Dislocated Workers Formula Program Non-General Fund Report pursuant to Sections 37-47 and 37-52.5, HRS.

Dept. Com. No. 265, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Unemployment Compensation Trust Fund Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 266, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Special Unemployment Administration Non-General Fund Report pursuant to Sections 37-47 and 37-52.3, HRS.

Dept. Com. No. 267, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Inter-Departmental Transfers Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 268, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Employment and Training Special Fund Non-General Fund Report pursuant to Sections 37-47 and 37-52.3, HRS.

Dept. Com. No. 269, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Special Compensation Fund Non-General Fund Report pursuant to Sections 37-47 and 37-52.3, HRS.

Dept. Com. No. 270, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Trust Fund for Disability Benefits Non-General Fund Report pursuant to Sections 37-47 and 37-52.3, HRS.

Dept. Com. No. 271, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Premium Supplementation Trust Fund Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 272, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Boiler and Elevator Special Fund Non-General Fund Report pursuant to Sections 37-47 and 37-52.3, HRS.

Dept. Com. No. 273, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Hoisting Machine Operators' Certification Revolving Fund Non-General Fund Report pursuant to Sections 37-47 and 37-52.4, HRS.

Dept. Com. No. 274, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Reduced Ignition Propensity Cigarette Program Special Fund

Non-General Fund Report pursuant to Sections 37-47 and 37-52.3, HRS.

Dept. Com. No. 275, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Occupational Safety and Health Administration (OSHA) Bureau of Labor Statistic Program Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 276, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the EA Consultation Agreements Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 277, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Occupational Safety and Health Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 278, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Human Trafficking Victim Services Fund Non-General Fund Report pursuant to Sections 37-47 and 37-52.3, HRS.

Dept. Com. No. 279, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the UI Fraud Detection System Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 280, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Refugee Cash and Medical Assistance Program Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 281, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Refugee Social Services Programs Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 282, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the UI Accessibility Automation for Limited English Proficiency Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 283, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the UI Program and Integrity and Performance and System Improvements Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 284, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the UI Worker Misclassification Prevention and Detection Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 285, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Reemployment Services and Eligibility Assessment Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 286, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Work Opportunity Tax Credit Non-General Fund Report pursuant to Sections 37-47 and 37-52.5, HRS.

Dept. Com. No. 287, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Trade Adjustment Assistance Non-General Fund Report pursuant to Sections 37-47 and 37-52.5, HRS.

Dept. Com. No. 288, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the

Alien Labor Certification Program Non-General Fund Report pursuant to Sections 37-47 and 37-52.5, HRS.

Dept. Com. No. 289, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Older American Program Non-General Fund Report pursuant to Sections 37-47 and 37-52.5, HRS.

Dept. Com. No. 290, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Low Income Home Energy Assistance Program Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 291, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Low Income Weatherization Assistance Program Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 292, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Commodity Supplemental Food Program Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 293, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Temporary Emergency Food Assistance Program Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 294, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Seniors Farmers Market Nutrition Program Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 295, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Social Services Block Grant Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 296, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Community Services Block Grant Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 297, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Services for Trafficking Victims Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 298, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the WIOA Implementation Activities Non-General Fund Report pursuant to Sections 37-47 and 37-52.5, HRS.

Dept. Com. No. 299, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the WIOA Implementation Activities Non-General Fund Report pursuant to Sections 37-47 and 37-52.5, HRS.

Dept. Com. No. 300, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Defense Industry Adjustment Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 301, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Temporary Deposits Insurance Account Non-General Fund Report pursuant to Sections 37-47 and 37-52.5, HRS.

Dept. Com. No. 302, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Wage Claim Fund Account Non-General Fund Report pursuant to Sections 37-47 and 37-52.5, HRS.

Dept. Com. No. 303, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the

Disabled Veterans' Outreach Program Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 304, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Local Veterans' Employment Representative Program Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 305, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Labor Law Enforcement Special Fund Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 306, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the WIOA HI-Disaster Rainstorm/Flood April 2018 Non-General Fund Report pursuant to Sections 37-47 and 37-52.5, HRS.

Dept. Com. No. 307, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the WIOA Hawaii Volcano 2018 Non-General Fund Report pursuant to Sections 37-47 and 37-52.5, HRS.

Dept. Com. No. 308, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Equal Employment Opportunity Commission Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 309, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Fair Housing Assistance Program: State and Local Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 310, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Labor Force Statistics Program Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 311, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Disability Employment Initiative Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 312, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the American Apprenticeship Initiative Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 313, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the American Apprenticeship Initiative Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 314, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the Apprenticeship USA Expansion Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 315, from the Department of Labor and Industrial Relations dated December 14, 2018, transmitting the ODEP Disability Employment Initiative Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 316, from the Department of Business, Economic Development, and Tourism dated December 21, 2018, transmitting the Hawaii Housing Finance and Development Corporation's Report on Its Activities pursuant to Act 39, SLH 2018 and Section 201H-36, HRS.

Dept. Com. No. 317, from the Department of Budget and Finance dated December 28, 2018, transmitting the Actuarial Asset and Liability Stress Test 2018 Report pursuant to Act 85, SLH 2017.

Dept. Com. No. 318, from the Office of the Auditor dated January 7, 2019, transmitting the report, "Follow-Up on

Recommendations from Report No. 14-11, Audit of the Hawai'i State Foundation on Culture and the Arts" (Report No. 19-02) pursuant to Section 23-7.5, HRS.

Dept. Com. No. 319, from the Department of Labor and Industrial Relations dated January 7, 2019, transmitting the Hawai'i Civil Rights Commission 2017-2018 Annual Report pursuant to Sections 368-3(7), 368-4(e), and 515-9(a)(6), HRS.

Dept. Com. No. 320, from the Department of Labor and Industrial Relations dated January 7, 2019, transmitting the Hoisting Machine Operators' Certification Revolving Fund Annual Report pursuant to Section 396-20(c), HRS.

Dept. Com. No. 321, from the Department of Labor and Industrial Relations dated January 7, 2019, transmitting the Status of the Boiler and Elevator Revolving Fund pursuant to Section 397-13, HRS.

Dept. Com. No. 322, from the Department of Labor and Industrial Relations dated January 7, 2019, transmitting the Hawaii Occupational Safety and Health (HIOSH) Report of Contested Cases 2017-2018 Annual Report pursuant to Section 396-11(k), HRS.

Dept. Com. No. 323, from the Department of Labor and Industrial Relations dated January 7, 2019, transmitting the Hawaii Labor Relations Board Report pursuant to Section 89-5(h), HRS.

Dept. Com. No. 324, from the Department of Labor and Industrial Relations dated January 7, 2019, transmitting the Employment and Training Fund Program Annual Report pursuant to Section 383-128(h), HRS.

Dept. Com. No. 325, from the Department of Labor and Industrial Relations dated January 7, 2019, transmitting the K-12 Agriculture Workforce Development Pipeline Initiative 2017-2018 Annual Report pursuant to Section 371-21(d), HRS.

Dept. Com. No. 326, from the University of Hawai'i dated January 9, 2019, transmitting the Annual Report from the Hawai'i Natural Energy Institute pursuant to Section 304A-1891, HRS.

Dept. Com. No. 327, from the Department of Defense dated January 10, 2019, transmitting the response by the Hawai'i Emergency Management Agency (HI-EMA) to being called on to develop a vendor list for disaster subsistence pursuant to S.R. No. 23 (2018).

**HOUSE COMMUNICATION**

The following communication from the House (Hse. Com. No. 5) was read by the Clerk and was disposed of as follows:

Hse. Com. No. 5, transmitting H.B. No. 1, which passed Third Reading in the House of Representatives on January 29, 2019, was placed on file.

On motion by Senator Kahele, seconded by Senator Fevella and carried, H.B. No. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, THE OMBUDSMAN, AND THE ETHICS COMMISSION," passed First Reading by title and was referred to the Committee on Ways and Means.

**JUDICIARY COMMUNICATION**

The following communication from the Judiciary (Jud. Com. No. 16) was read by the Clerk and was placed on file:

Jud. Com. No. 16, dated January 8, 2019, transmitting the 2018 Annual Report Statistical Supplement pursuant to Section 601-3, HRS.

**ORDER OF THE DAY**

**RE-REFERRAL OF SENATE BILLS**

The Chair re-referred the following Senate bills that were introduced:

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| S.B. No.:    | Re-referred to:   |
| S.B. No. 147 | Committee on Public Safety, Intergovernmental, and Military Affairs   |
| S.B. No. 244 | Committee on Transportation, then to the Committee on Judiciary   |
| S.B. No. 371 | Committee on Education, then to the Committee on Ways and Means   |
| S.B. No. 373 | Committee on Education, then to the Committee on Ways and Means   |
| S.B. No. 388 | Committee on Education, then to the Committee on Ways and Means   |
| S.B. No. 409 | Committee on Transportation, then to the Committee on Ways and Means  |
| S.B. No. 557 | Jointly to the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Judiciary, then to the Committee on Ways and Means                |
| S.B. No. 623 | Committee on Public Safety, Intergovernmental, and Military Affairs, then to the Committee on Ways and Means  |
| S.B. No. 627 | Committee on Public Safety, Intergovernmental, and Military Affairs, then to the Committee on Judiciary   |
| S.B. No. 631 | Jointly to the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Judiciary, then to the Committee on Ways and Means                |
| S.B. No. 706 | Committee on Technology, then to the Committee on Ways and Means  |
| S.B. No. 707 | Jointly to the Committee on Technology and the Committee on Energy, Economic Development, and Tourism, then to the Committee on Ways and Means                            |
| S.B. No. 708 | Committee on Technology, then to the Committee on Ways and Means  |
| S.B. No. 713 | Jointly to the Committee on Ways and Means and the Committee on Energy, Economic Development, and Tourism   |
| S.B. No. 721 | Jointly to the Committee on Technology and the Committee on Energy, Economic Development, and Tourism, then to the Committee on Commerce, Consumer Protection, and Health |
| S.B. No. 772 | Committee on Commerce, Consumer Protection, and Health  |
| S.B. No. 773 | Committee on Commerce, Consumer Protection, and Health  |
| S.B. No. 775 | Committee on Commerce, Consumer Protection, and Health  |
| S.B. No. 883 | Committee on Commerce, Consumer Protection, and Health, then to the Committee on Ways and Means   |

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| <p>S.B. No. 889 Committee on Commerce, Consumer Protection, and Health, then to the Committee on Judiciary</p> <p>S.B. No. 892 Committee on Commerce, Consumer Protection, and Health, then to the Committee on Judiciary</p> <p>S.B. No. 897 Committee on Agriculture and Environment, then to the Committee on Ways and Means</p> <p>S.B. No. 901 Jointly to the Committee on Agriculture and Environment and the Committee on Water and Land</p> <p>S.B. No. 904 Jointly to the Committee on Commerce, Consumer Protection, and Health and the Committee on Higher Education, then to the Committee on Judiciary</p> <p>S.B. No. 908 Jointly to the Committee on Energy, Economic Development, and Tourism and the Committee on Water and Land and the Committee on Government Operations, then to the Committee on Ways and Means</p> <p>S.B. No. 913 Jointly to the Committee on Higher Education and the Committee on Labor, Culture and the Arts, then to the Committee on Commerce, Consumer Protection, and Health</p> <p>S.B. No. 940 Jointly to the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Agriculture and Environment, then to the Committee on Judiciary</p> <p>S.B. No. 975 Committee on Agriculture and Environment, then jointly to the Committee on Ways and Means and the Committee on Commerce, Consumer Protection, and Health</p> <p>S.B. No. 977 Jointly to the Committee on Labor, Culture and the Arts and the Committee on Government Operations, then to the Committee on Ways and Means</p> <p>S.B. No. 981 Committee on Education, then to the Committee on Ways and Means</p> <p>S.B. No. 994 Jointly to the Committee on Energy, Economic Development, and Tourism and the Committee on Technology, then to the Committee on Ways and Means</p> <p>S.B. No. 995 Jointly to the Committee on Energy, Economic Development, and Tourism and the Committee on Technology, then to the Committee on Ways and Means</p> <p>S.B. No. 1027 Committee on Commerce, Consumer Protection, and Health, then to the Committee on Ways and Means</p> <p>S.B. No. 1030 Jointly to the Committee on Commerce, Consumer Protection, and Health and the Committee on Higher Education, then to the Committee on Ways and Means</p> <p>S.B. No. 1063 Jointly to the Committee on Technology and the Committee on Energy, Economic Development, and Tourism, then to the Committee on Water and Land</p> <p>S.B. No. 1159 Jointly to the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Energy, Economic Development, and Tourism and the Committee</p> | <p>on Government Operations, then to the Committee on Ways and Means</p> <p>S.B. No. 1162 Jointly to the Committee on Water and Land and the Committee on Agriculture and Environment and the Committee on Transportation, then to the Committee on Ways and Means</p> <p>S.B. No. 1181 Jointly to the Committee on Water and Land and the Committee on Housing and the Committee on Government Operations, then to the Committee on Ways and Means</p> <p>S.B. No. 1208 Committee on Higher Education, then to the Committee on Ways and Means</p> <p>S.B. No. 1275 Committee on Ways and Means</p> <p>S.B. No. 1303 Committee on Education, then to the Committee on Water and Land</p> <p>S.B. No. 1304 Committee on Education, then to the Committee on Ways and Means</p> <p>S.B. No. 1312 Committee on Housing, then to the Committee on Ways and Means</p> <p>S.B. No. 1362 Committee on Ways and Means</p> <p>S.B. No. 1404 Jointly to the Committee on Commerce, Consumer Protection, and Health and the Committee on Higher Education, then to the Committee on Ways and Means</p> <p>S.B. No. 1483 Jointly to the Committee on Housing and the Committee on Commerce, Consumer Protection, and Health, then to the Committee on Ways and Means</p> <p>S.B. No. 1505 Jointly to the Committee on Transportation and the Committee on Public Safety, Intergovernmental, and Military Affairs</p> <p>S.B. No. 1506 Committee on Public Safety, Intergovernmental, and Military Affairs, then to the Committee on Ways and Means</p> <p>S.B. No. 1534 Committee on Commerce, Consumer Protection, and Health</p> |
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At this time, Senator Baker rose to speak on a point of personal privilege as follows:

“I would just like to note that we are going late into our session, and we still have received no governor’s messages on any of the directors or deputy directors. I would encourage the executive to get them down to us posthaste. Mahalo.”

The Chair responded that he had signed the letter to remind the governor of the deadlines and had sent it up the previous day.

**ADJOURNMENT**

At 11:39 a.m., on motion by Senator Kahele, seconded by Senator Fevella and carried, the Senate adjourned until 11:30 a.m., Thursday, January 31, 2019.