

TWELFTH DAY

Tuesday, February 5, 2019

The Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019, convened at 11:37 a.m. with the President in the Chair.

The Roll was called showing all Senators present with the exception of Senator Kidani who was excused.

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

At this time, Senator Thielen welcomed a group of Honors program students from Hawai'i Pacific University in the "Plastic Fantastic?" class: Laken Barber, Hunter Burrows, Kiana Cabacungan, Sally Chew, Madison DeGuzman, Holly Fahrenwald, Noelle Fisher, Haley Hampton, Sydney Lewark, Dominique Mueller, Kerriane O'Malley, Gianna Prinzivalli, Rose St. Hilaire, and Brianna Vides. The students were seated in the gallery with faculty Dr. Regina Ostergaard-Klem and Dr. Adam Burke.

Senator Kanuha recognized Kanoe Cup Choy, Colin Kippen, and other staff of the Council for Native Hawaiian Advancement, who were seated in the gallery.

Senator English recognized Office of Hawaiian Affairs trustee Kalei'aina Lee, who was present in the gallery.

Senator Shimabukuro acknowledged her constituents Momi and DeMont Conner, who were seated in the gallery.

Senator Thielen introduced Scotty Reis-Moniz, a constituent and volunteer extraordinaire.

Senator Inouye welcomed Sandi Weir and a special group of guests from Alaska Cruise Lines, who were seated in the gallery with Charlie Toguchi.

Senator Rhoads acknowledged Marsha Joyner, who was present in the gallery.

Senator Kahele recognized Joseph Kūhiō Lewis, and presented the following remarks:

"Colleagues, as we celebrate Hawaiian Caucus Week here at the Legislature, it's my honor this morning to introduce our second honoree for Hawaiian Caucus Week as we, today, celebrate outstanding mākuā, or parents, in our Native Hawaiian community. The individual I'm going to introduce you to is, without question, a leader in his community. He is a dedicated champion of Native Hawaiian issues, and he's someone who embodies ha'aha'a—humility—and honesty, diligence, and someone who leads by example for his children, and so I'm proud to introduce to you today's honoree, Mr. Joseph Kūhiō Lewis; could you please stand?"

"Colleagues, Kūhiō is a proud product of Hawai'i's public education system—a graduate of McKinley High School; he is a graduate of Honolulu Community College and the University of Hawai'i at Mānoa. He has since then served as the president of the Kapolei Community Development Corporation, then as a community outreach and engagement manager. Also, he has served at the Office of Hawaiian Affairs. He is a member of the Hawaiian Civic Clubs; he's also a member of the Native Hawaiian Health Care Systems and, presently, is the chief executive officer of the Council for Native Hawaiian Advancement.

"What I admire the most about Kūhiō is his love and his dedication and his strong values for his children and how he leaves a lasting impression on them as a father and a parent. Kūhiō is a single father: He raises his son, Bryson

Makanaokalani, and daughter, Breana Kawaiola, and he embodies in them what it means to be a Native Hawaiian, and the important culture and rich and diverse history and the vibrancy of everything that it means to be Hawai'i. Kūhiō is a skilled listener; he's someone who has various different perspectives. He is someone who tries to find common ground in very difficult issues, and he brings an insightful approach to the challenges that we face in Hawai'i today.

"And so I'd like to, again, introduce to you and ask for a round of applause for who I would consider a very distinguished leader in the State of Hawai'i: Mr. Joseph Kūhiō Lewis. Could we also get his children, Breana and Bryson, to stand? And I would also like to recognize, colleagues, his father, Dickie, who is in the gallery, if his father, Dickie, could please stand. Mahalo, Dickie."

At 11:45 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:50 a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 566 to 576) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 566, informing the Senate that on January 31, 2019, the Governor withdrew the nomination of IRIS XIAO to the State Council on Developmental Disabilities, under Gov. Msg. Nos. 534 and 535, from consideration by the Senate, was placed on file.

In compliance with Gov. Msg. No. 566, the nomination listed under Gov. Msg. Nos. 534 and 535 was returned.

Gov. Msg. No. 567, submitting for consideration and confirmation to the Reentry Commission, the nomination of NORIKO NAMIKI, term to expire June 30, 2019, was referred to the Committee on Public Safety, Intergovernmental, and Military Affairs.

Gov. Msg. No. 568, submitting for consideration and confirmation to the Reentry Commission, the nomination of NORIKO NAMIKI, term to expire June 30, 2023, was referred to the Committee on Public Safety, Intergovernmental, and Military Affairs.

Gov. Msg. No. 569, submitting for consideration and confirmation to the Medical Advisory Board, the nomination of SUZIE NEMMERS, term to expire June 30, 2022, was referred to the Committee on Transportation.

Gov. Msg. No. 570, submitting for consideration and confirmation to the Board of Regents of the University of Hawai'i, the nomination of ROBERT WESTERMAN, term to expire June 30, 2022, was referred to the Committee on Higher Education.

Gov. Msg. No. 571, submitting for consideration and confirmation to the Board of Regents of the University of Hawai'i, the nomination of ALAPAKI NAHALE-A, term to expire June 30, 2023, was referred to the Committee on Higher Education.

Gov. Msg. No. 572, submitting for consideration and confirmation to the Board of Regents of the University of Hawai'i, the nomination of KELLI ACOPAN, term to expire June 30, 2020, was referred to the Committee on Higher Education.

Gov. Msg. No. 573, submitting for consideration and confirmation to the Island Burial Council, Island of Moloka'i, the nomination of LAAKEA POEPOE, term to expire June 30, 2021, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 574, submitting for consideration and confirmation to the Island Burial Council, Island of O'ahu, the nomination of LURLINE NAONE-SALVADOR, term to expire June 30, 2020, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 575, submitting for consideration and confirmation to the Island Burial Council, Island of O'ahu, the nomination of WILLIAM MILLS, term to expire June 30, 2021, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 576, submitting for consideration and confirmation to the Natural Area Reserves System Commission, the nomination of JEFFREY SAITO, term to expire June 30, 2021, was referred to the Committee on Water and Land.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 328 to 361) were read by the Clerk and were placed on file:

Dept. Com. No. 328, from the Department of Business, Economic Development and Tourism dated December 14, 2018, transmitting the Small Business Regulatory Review Board 2018 Annual Report pursuant to Section 201M-5(f), HRS.

Dept. Com. No. 329, from the Department of Business, Economic Development and Tourism dated December 14, 2018, transmitting the Small Business Regulatory Review Board 2018 Periodic Review and Evaluation Report pursuant to Section 201M-7, HRS.

Dept. Com. No. 330, from the Department of Labor and Industrial Relations dated January 7, 2019, transmitting the Annual Evaluation of the Hawai'i Unemployment Trust Fund pursuant to Section 383-126.5, HRS.

Dept. Com. No. 331, from the Legislative Reference Bureau dated January 9, 2019, transmitting the 2017 and 2018 List of Opinions Issued by the Attorney General pursuant to Section 28-3, HRS.

Dept. Com. No. 332, from the Department of Taxation dated January 10, 2019, transmitting the Annual Report for Fiscal Year 2018 pursuant to Section 231-3(8), HRS.

Dept. Com. No. 333, from the Department of Taxation dated January 10, 2019, transmitting the Electronic Funds Transfer Penalty Payments Report for Fiscal Year 2018 pursuant to Section 231-9.9, HRS.

Dept. Com. No. 334, from the Office of the Auditor dated January 10, 2019, transmitting the report, "Audit of the Honolulu Authority for Rapid Transportation: Report 1" (Report No. 19-03) pursuant to Act 1, Special SLH 2017.

Dept. Com. No. 335, from the Office of the Auditor dated January 11, 2019, informing the Legislature that the financial audit report of the Employees' Retirement System of the State of Hawai'i for the fiscal year ending June 30, 2017, was issued on November 16, 2018, as directed by Article VII, Section 10, of the State Constitution, and as authorized by Chapter 23, HRS.

Dept. Com. No. 336, from the Department of Health dated January 16, 2019, transmitting the Annual Report on the Mental Health and Substance Abuse Special Fund pursuant to Section 334-15, HRS.

Dept. Com. No. 337, from the Department of Health dated January 16, 2019, transmitting the Annual Report on

Implementation of the State Plan pursuant to Section 334-10(e), HRS.

Dept. Com. No. 338, from the Department of Health dated January 16, 2019, transmitting the Annual Report on Assisted Community Treatment pursuant to Act 111, SLH 2017, and Chapter 334, Part VIII, HRS.

Dept. Com. No. 339, from the Department of Health dated January 16, 2019, transmitting the Fuel Tank Advisory Committee Meeting Summary Report pursuant to Section 342L-62, HRS.

Dept. Com. No. 340, from the Department of Health dated January 16, 2019, transmitting the Annual Report for Domestic Violence Sexual Assault Special Fund pursuant to Section 321-1.3, HRS.

Dept. Com. No. 341, from the Department of Business, Economic Development, and Tourism dated January 10, 2019, transmitting the Sister-State Report on Program Evaluation and Recommendations pursuant to S.C.R. No. 121, S.D. 1 (2018).

Dept. Com. No. 342, from the Department of Budget and Finance dated December 20, 2018, transmitting the FY18 Special Fund Assessments for Central Services Report pursuant to Section 36-27, HRS; and FY 18 Departmental Administrative Expenses Report pursuant to Section 36-30, HRS.

Dept. Com. No. 343, from the Department of Budget and Finance dated December 20, 2018, transmitting the FY18 Transfers from Non-General Funds to General Fund Report pursuant to Section 37-46, HRS.

Dept. Com. No. 344, from the Department of Budget and Finance dated December 31, 2018, transmitting the FYs 15-21 Non-General Fund Information Report pursuant to Section 37-47, HRS.

Dept. Com. No. 345, from the Department of Budget and Finance dated December 31, 2018, transmitting the FY17 and 18 Routine Repair and Maintenance Report pursuant to Act 233, SLH 2016.

Dept. Com. No. 346, from the Hawaii State Public Library System dated January 11, 2019, transmitting the FY18 Annual Report pursuant to Sections 312-3.6 and 312-22, HRS.

Dept. Com. No. 347, 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 convene an emergency management review task force pursuant to S.C.R. No. 40, S.D. 1, H.D. 1 (2018).

Dept. Com. No. 348, from the Department of Business, Economic Development, and Tourism dated January 11, 2019, transmitting the Economic Development Alliance of Hawai'i Annual Report pursuant to Section 302A-1314(r), HRS.

Dept. Com. No. 349, from the Department of Business, Economic Development, and Tourism dated January 11, 2019, transmitting the Report Regarding Workforce Development pursuant to Section 201-16, HRS.

Dept. Com. No. 350, from the Department of Hawaiian Home Lands dated January 12, 2019, transmitting the 2015 Annual Report pursuant to Hawaiian Homes Commission Act of 1920.

Dept. Com. No. 351, from the University of Hawai'i dated January 8, 2019, transmitting a report of hire pursuant to Act 49, Section 96, SLH 2017.

Dept. Com. No. 352, from the Department of Defense dated January 10, 2019, transmitting the Report on the Major Disaster Fund FY2019 pursuant to Section 127A-16, HRS.

Dept. Com. No. 353, from the Department of Defense dated January 10, 2019, transmitting the Report on the Major Disaster Fund FY2018 pursuant to Section 127A-16, HRS.

Dept. Com. No. 354, from the Department of Defense dated January 10, 2019, transmitting the Non-General Fund Report pursuant to Section 37-47, HRS.

Dept. Com. No. 355, from the Department of Defense dated January 10, 2019, transmitting the Report on Criteria for Administratively Established Accounts and Funds pursuant to Section 37-52.5, HRS.

Dept. Com. No. 356, from the Department of Business, Economic Development, and Tourism dated January 11, 2019, transmitting the Annual Report on the Financial Services Assistance Program Revolving Fund pursuant to Section 201C-5, HRS.

Dept. Com. No. 357, from the Department of Human Services dated January 14, 2019, transmitting the Report on the East Hawai'i Child Welfare Service Pilot Project pursuant to Act 177, SLH 2018.

Dept. Com. No. 358, from the Board of Education dated January 9, 2019, transmitting the Annual Report on the State's Public Charter Schools pursuant to Section 302D-21, HRS.

Dept. Com. No. 359, from the Department of Budget and Finance dated January 11, 2019, transmitting the Report of the Working Group on Identifying Barriers to Improving the State's Hiring Processes pursuant to S.C.R. No. 22, S.D. 1 (2018).

Dept. Com. No. 360, from the Office of the Auditor dated January 15, 2019, transmitting the report, "Audit of the Honolulu Authority for Rapid Transportation: Report 2" (Report No. 19-04) pursuant to Act 1, Special SLH 2017.

Dept. Com. No. 361, from the Legislative Reference Bureau dated January 15, 2019, transmitting the report, "Straight Shooting: An Objective Review of Hawaii Firearms Laws and Related Statistics" pursuant to S.C.R. No. 116, S.D. 1 (2018).

STANDING COMMITTEE REPORTS

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 33) recommending that S.B. No. 759, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and 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 S.B. No. 759, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Judiciary and the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 34) recommending that S.B. No. 753, 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 S.B. No. 753, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," 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. 35) recommending that S.B. No. 519, 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 S.B. No. 519, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD SAFETY," 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. 36) recommending that S.B. No. 223, 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 S.B. No. 223, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 37) recommending that S.B. No. 319 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 S.B. No. 319, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS FOR THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 38) recommending that S.B. No. 457 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 S.B. No. 457, entitled: "A BILL FOR AN ACT RELATING TO THE PUNA DISTANCE LEARNING CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 39) recommending that S.B. No. 907, 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 S.B. No. 907, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Shimabukuro, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 40) recommending that S.B. No. 282 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 S.B. No. 282, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILLS

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

- S.B. No.: Re-referred to:
- S.B. No. 696 Committee on Agriculture and Environment, then to the Committee on Ways and Means

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- S.B. No. 701 Committee on Hawaiian Affairs, then to the Committee on Judiciary
- S.B. No. 823 Committee on Commerce, Consumer Protection, and Health
- S.B. No. 879 Committee on Judiciary, then to the Committee on Ways and Means
- S.B. No. 1179 Committee on Judiciary, then to the Committee on Ways and Means
- S.B. No. 1483 Committee on Housing, then to the Committee on Ways and Means
- S.B. No. 1506 Committee on Ways and Means
- S.B. No. 1516 Committee on Ways and Means
- S.B. No. 1527 Committee on Agriculture and Environment, then jointly to the Committee on Commerce, Consumer Protection, and Health and the Committee on Judiciary and the Committee on Ways and Means

ADJOURNMENT

At 11:51 a.m., on motion by Senator Kahele, seconded by Senator Fevella and carried, the Senate adjourned until 11:30 a.m., Wednesday, February 6, 2019.