

THIRTEENTH DAY

Wednesday, February 6, 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.

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

Senator Riviere recognized Danielle Ululani Beirne, and presented the following remarks:

"Members, guests in the gallery, and esteemed guests who are here with us today: Today is the third day of Hawaiian Caucus Week. We're honoring our outstanding kūpuna who've made impactful contributions to our community, and today I'm proud to introduce to you somebody I've known for several years now, a great leader in the Ko'olauloa moku: Danielle Ululani Beirne—we know her as Aunty Ulu. She's a lifelong resident of the district and a great advocate for the community of Kahana. Welcome today, Aunty Ulu.

"So, for over 20 years, she was a Native Hawaiian affairs consultant to Outrigger Hotels. Aunty Ulu was also a member of the State House of Representatives; she served in the Seventeenth Legislature in 1993 and '94. And over the past four decades, Ulu has been involved in many organizations, including the Coalition of Hawaiian Organizations and Hui Na'auao. In 1995, she was appointed by Governor John Waihe'e to the Hawaii Sovereignty Elections Council as a councilmember. She also served as a delegate on 'Aha 'Ōiwi Native Hawaiian Convention in the 1990s, and also on Na'i Aupuni: Native Hawaiian Governance Convention in 2016. I'll just say on the side: She stays very active and is one of the cultural interpreters in the Ahupua'a 'O Kahana State Park that we have. More recently, Aunty Ulu has been very active with the Association of Hawaiian Civic Clubs, and she is the president of the Ko'olauloa Hawaiian Civic Club and has been for the last 10 years. She's a dedicated community leader who consistently advocates for issues affecting kūpuna, Ko'olauloa, the North Shore, and all of Hawai'i. Colleagues, please join me in recognizing Aunty Ulu Beirne.

"With Aunty Ulu is Troy Thompson, Louis Wallace, and Kamalani Johnson today, and Kaiwi Johnson, too. Welcome the family. And in the gallery, we have Sherri Lynn Johnson and Kahiau Wallace; Keaka Aumua with her husband, Zed Aumua; Puanani Beirne is with us today, I believe, and Charles Kaai, and other members of the Hawaiian Civic Clubs, so please all be welcomed. Aloha. Thank you."

Senator Rhoads acknowledged Bixby Ho, a friend and constituent, who was seated in the gallery.

At 11:41 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:47 a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 577 to 581) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 577, submitting for consideration and confirmation as Director, Department of Transportation, the nomination of JADE BUTAY, term to expire at noon on December 5, 2022, was referred to the Committee on Transportation.

Gov. Msg. No. 578, submitting for consideration and confirmation as Deputy Director, Department of Transportation, the nomination of LYNN A.S. ARAKI-REGAN, term to expire at noon on December 5, 2022, was referred to the Committee on Transportation.

Gov. Msg. No. 579, submitting for consideration and confirmation as Comptroller, Department of Accounting and General Services, the nomination of CURT T. OTAGURO, term to expire at noon on December 5, 2022, was referred to the Committee on Government Operations.

Gov. Msg. No. 580, submitting for consideration and confirmation as Deputy Comptroller, Department of Accounting and General Services, the nomination of AUDREY HIDANO, term to expire at noon on December 5, 2022, was referred to the Committee on Government Operations.

Gov. Msg. No. 581, submitting for consideration and confirmation as Chief Information Officer, Department of Accounting and General Services, the nomination of DOUGLAS G. MURDOCK, term to expire at noon on December 5, 2022, was referred to the Committee on Technology.

STANDING COMMITTEE REPORTS

Senator Kim, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 41) recommending that S.B. No. 928 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 S.B. No. 928, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 6, OF THE HAWAII STATE CONSTITUTION, TO MODIFY THE APPOINTMENT PROCESS FOR THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kim, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 42) recommending that S.B. No. 671, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Health.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 671, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POST-SECONDARY EDUCATION STUDENT IMMUNIZATIONS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Health.

Senator Kim, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 43) recommending that S.B. No. 919, 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. 919, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the majority of the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 44) recommending that S.B. No. 451, as amended in

S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Health.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the majority of the Committee was adopted and S.B. No. 451, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DAIRY PRODUCERS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Health.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 45) recommending that S.B. No. 235 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. 235, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH," 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. 46) recommending that S.B. No. 375, 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. 375, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," 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. 47) recommending that S.B. No. 760, 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. 760, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Thielen, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 48) recommending that S.B. No. 141 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 S.B. No. 141, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURE OF ATTORNEY-CLIENT AND ATTORNEY WORK-PRODUCT PRIVILEGED COMMUNICATIONS TO THE OMBUDSMAN," passed Second Reading and was referred to the Committee on Judiciary.

Senator Wakai, for the Committee on Energy, Economic Development, and Tourism, presented a report (Stand. Com. Rep. No. 49) recommending that S.B. No. 33, as amended in S.D. 1, be recommitted to the Committee on Energy, Economic Development, and Tourism.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 33, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," was recommitted to the Committee on Energy, Economic Development, and Tourism.

Senator Keohokalole, for the Committee on Technology, presented a report (Stand. Com. Rep. No. 50) recommending that S.B. No. 219 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. 219, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE TECHNOLOGY SERVICES," 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. 51) recommending that S.B. No. 1151 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. 1151, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF AGRICULTURE LOANS," 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. 52) recommending that S.B. No. 1242, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Health.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 1242, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE DISPOSAL GOALS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Health.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 53) recommending that S.B. No. 234, 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. 234, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH," 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. 54) recommending that S.B. No. 651, 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. 651, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," 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. 55) recommending that S.B. No. 1149, 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. 1149, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," 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. 56) recommending that S.B. No. 837, 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. 837, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FARMS," 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. 57) recommending that S.B. No. 1150, 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. 1150, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ruderman, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 58) recommending that S.B. No. 574 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 S.B. No. 574, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kidani, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 59) recommending that S.B. No. 340 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 majority of the Committee was adopted and S.B. No. 340, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 60) recommending that S.B. No. 37, as amended in S.D. 1, be recommitted to the Committee on Education.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 37, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LIBRARIES," was recommitted to the Committee on Education.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 61) recommending that S.B. No. 338 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. 338, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 62) recommending that S.B. No. 1128 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. 1128, entitled: "A BILL FOR AN ACT RELATING TO IMPROVEMENTS AT LEILEHUA HIGH SCHOOL," passed

Second Reading and was referred to the Committee on Ways and Means.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 63) recommending that S.B. No. 339, 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. 339, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPROVEMENTS AT WAIPAHAU HIGH SCHOOL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 64) recommending that S.B. No. 592 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. 592, entitled: "A BILL FOR AN ACT RELATING TO THE SALARY OF THE STATE LIBRARIAN," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 65) recommending that S.B. No. 78, 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. 78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 66) recommending that S.B. No. 283 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. 283, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 67) recommending that S.B. No. 376 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. 376, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 68) recommending that S.B. No. 84, 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. 84, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF EDUCATION," 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. 69) recommending

that S.B. No. 44, as amended in S.D. 1, be recommitted to the Committee on Higher Education.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 44, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," was recommitted to the Committee on Higher Education.

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. 44, S.D. 1	Jointly to the Committee on Higher Education and the Committee on Judiciary, then to the Committee on Ways and Means
S.B. No. 161	Committee on Human Services, then to the Committee on Ways and Means
S.B. No. 162	Committee on Human Services, then to the Committee on Ways and Means
S.B. No. 536	Committee on Commerce, Consumer Protection, and Health, then to the Committee on Judiciary
S.B. No. 732	Jointly to the Committee on Transportation and the Committee on Housing, then to the Committee on Ways and Means
S.B. No. 1082	Committee on Labor, Culture and the Arts, then to the Committee on Judiciary
S.B. No. 1232	Jointly to the Committee on Human Services and the Committee on Judiciary

At this time, Senator Ruderman introduced Luana Jones, a constituent, community leader, and one of the many neighbors and friends who lost their homes in the lava flow and were fighting for restored access.

Senator Fevella introduced his cousin Momi and his wife, Donnalee, in the gallery.

The Chair then made the following remarks:

"Before proceeding, I'd like to thank President Emeritus Kim, who created what we're about to take action on, and she was so gracious to remind me that I had been negligent in conferring on our new members a special designation that she had created for all of the members when she was Senate President. So, at this time, the Senate would like to take a moment to make a special presentation to our newest members. Senators Fevella, Kanuha, Keohokalole, and Moriwaki, will you please join me at the rostrum? I'd also like to ask Senators Kidani, Kahele, English, and Kim to join us and assist me in making the presentation."

Senators Fevella, Kanuha, Keohokalole, Moriwaki, Kidani, Kahele, English, and Kim then approached the rostrum.

The Chair continued:

"In conjunction with our 55 years of Statehood anniversary in 2014, we presented a very special lapel pin to current and past members of the Senate. This pin is a symbol of a member's service in the Senate and to the people of the State of Hawai'i.

"Pursuant to Senate Rule 92, the Senate pin shall only be worn by current or past members to whom it is presented."

"Senators Fevella, Kanuha, Keohokalole, and Moriwaki, on behalf of the Senate, thank you for your service."

At this time, Senator Kidani presented Senator Fevella with the Senate pin, Senator Kahele presented Senator Kanuha with the Senate pin, Senator English presented Senator Keohokalole with the Senate pin, and Senator Kim presented Senator Moriwaki with the Senate pin.

ADJOURNMENT

At 11:53 a.m., on motion by Senator Kahele, seconded by Senator Fevella and carried, the Senate adjourned until 11:30 a.m., Thursday, February 7, 2019.