

## FIFTH DAY

## Friday, September 1, 2017

The Senate of the Twenty-Ninth Legislature of the State of Hawai'i, Special Session of 2017, convened at 9:48 a.m. with the President in the Chair.

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

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

At this time, Senator English introduced students and teachers from Lāna'i who were visiting Honolulu with the Center for Tomorrow's Leaders: students Naighel Calderon, Isaiah Nakano, Jose Matute, Kainalu Morimoto, Maile Laporga, Allyn Teppang, Mitchell Ganir, Michael Raqueno, Trevan Ayonayon, and Tower Vergara; and teachers Erin Nakano and Patricia Niibu.

## ORDER OF THE DAY

## ADVISE AND CONSENT

Stand. Com. Rep. No. 5 (Gov. Msg. Nos. 1 and 2):

Senator Gabbard moved that Stand. Com. Rep. No. 5 be received and placed on file, seconded by Senator Riviere and carried.

Senator Gabbard then moved that the Senate advise and consent to the nominations to the Endangered Species Recovery Committee of the following:

LISA SPAIN, term to expire June 30, 2021 (Gov. Msg. No. 1); and

LOYAL MEHRHOFF, term to expire June 30, 2019 (Gov. Msg. No. 2),

seconded by Senator Riviere.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 6 (Gov. Msg. Nos. 19, 20, and 21):

Senator Rhoads moved that Stand. Com. Rep. No. 6 be received and placed on file, seconded by Senator Gabbard and carried.

Senator Rhoads then moved that the Senate advise and consent to the nominations to the State Foundation on Culture and the Arts Commission of the following:

CLYDE SAKAMOTO, term to expire June 30, 2020 (Gov. Msg. No. 19);

NALANI BRUN, term to expire June 30, 2021 (Gov. Msg. No. 20); and

SHERMAN WARNER, term to expire June 30, 2021 (Gov. Msg. No. 21),

seconded by Senator Gabbard.

Senator Inouye rose to speak in support of Gov. Msg. No. 21 as follows:

[REMARKS]

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 7 (Gov. Msg. Nos. 22 and 23):

Senator Tokuda moved that Stand. Com. Rep. No. 7 be received and placed on file, seconded by Senator English and carried.

Senator Tokuda then moved that the Senate advise and consent to the nominations to the Board of Trustees of the Deferred Compensation Plan of the following:

BRIAN MOTO, term to expire June 30, 2021 (Gov. Msg. No. 22); and

KENNETH VILLABRILLE, term to expire June 30, 2021 (Gov. Msg. No. 23),

seconded by Senator English.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 8 (Gov. Msg. No. 24):

Senator Tokuda moved that Stand. Com. Rep. No. 8 be received and placed on file, seconded by Senator English and carried.

Senator Tokuda then moved that the Senate advise and consent to the nomination of DWIGHT TAKAMINE to the Hawai'i Workforce Development Council, term to expire June 30, 2020, seconded by Senator English.

Senator Inouye rose to speak in support of the nominee as follows:

[REMARKS]

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 9 (Gov. Msg. No. 33):

Senator Rhoads moved that Stand. Com. Rep. No. 9 be received and placed on file, seconded by Senator Gabbard and carried.

Senator Rhoads then moved that the Senate advise and consent to the nomination of JOAKIM PETER to the Civil Rights Commission, term to expire June 30, 2019, seconded by Senator Gabbard.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 10 (Gov. Msg. Nos. 15 and 36):

Senator Green moved that Stand. Com. Rep. No. 10 be received and placed on file, seconded by Senator Chang and carried.

Senator Green then moved that the Senate advise and consent to the nominations to the Commission on Fatherhood of the following:

DAVID MATTOS, term to expire June 30, 2020 (Gov. Msg. No. 15); and

CALEB MILLIKEN, term to expire June 30, 2020 (Gov. Msg. No. 36),

seconded by Senator Chang.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 11 (Gov. Msg. No. 16):

Senator Espero moved that Stand. Com. Rep. No. 11 be received and placed on file, seconded by Senator Harimoto and carried.

Senator Espero then moved that the Senate advise and consent to the nomination of DONN MENDE to the Board of Directors of the Hawai'i Housing Finance and Development Corporation, term to expire June 30, 2021, seconded by Senator Harimoto.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 12 (Gov. Msg. Nos. 53, 54, 55, 56, and 57):

Senator Espero moved that Stand. Com. Rep. No. 12 be received and placed on file, seconded by Senator Harimoto and carried.

Senator Espero then moved that the Senate advise and consent to the nominations to the Hawai'i Community Development Authority of the following:

JO-ANN LEONG, term to expire June 30, 2021 (Gov. Msg. No. 53);

DONNA CAMVEL, term to expire June 30, 2018 (Gov. Msg. No. 54);

MAEDA TIMSON, term to expire June 30, 2021 (Gov. Msg. No. 55);

PHILLIP HASHA, term to expire June 30, 2021 (Gov. Msg. No. 56); and

JASON OKUHAMA, term to expire June 30, 2021 (Gov. Msg. No. 57).

seconded by Senator Harimoto.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 13 (Gov. Msg. No. 4):

Senator Baker moved that Stand. Com. Rep. No. 13 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of KAREN BOYER to the State Board of Nursing, term to expire June 30, 2018, seconded by Senator Tokuda.

Senator Baker rose to speak in strong support of the nominee as follows:

[REMARKS]

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 14 (Gov. Msg. No. 5):

Senator Baker moved that Stand. Com. Rep. No. 14 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of RONALD HAY to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, term to expire June 30, 2020, seconded by Senator Tokuda.

Senator Baker rose to speak in strong support of the nominee as follows:

[REMARKS]

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 15 (Gov. Msg. Nos. 6 and 7):

Senator Baker moved that Stand. Com. Rep. No. 15 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Disability and Communication Access Board of the following:

MARIE KIMMEY, term to expire June 30, 2021 (Gov. Msg. No. 6); and

SCOTT FLEMING, term to expire June 30, 2019 (Gov. Msg. No. 7),

seconded by Senator Tokuda.

Senator Baker rose to speak in strong support of the nominees as follows:

[REMARKS]

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 16 (Gov. Msg. No. 8):

Senator Baker moved that Stand. Com. Rep. No. 16 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of BRENT ROBINSON to the Emergency Medical Services Advisory Committee, term to expire June 30, 2020, seconded by Senator Tokuda.

Senator Baker rose to speak in strong support of the nominee as follows:

[REMARKS]

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 17 (Gov. Msg. Nos. 9, 10, 11, and 50):

Senator Baker moved that Stand. Com. Rep. No. 17 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Policy Advisory Board for Elder Affairs of the following:

JOY MIYASAKI, term to expire June 30, 2021 (Gov. Msg. No. 9);

SARAH YUAN, term to expire June 30, 2021 (Gov. Msg. No. 10);

SUZANNE SCHULBERG, term to expire June 30, 2021 (Gov. Msg. No. 11); and

LINDA AXTELL-THOMPSON, term to expire June 30, 2021 (Gov. Msg. No. 50),

seconded by Senator Tokuda.

Senator Baker rose to speak in strong support of the nominees as follows:

[REMARKS]

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 18 (Gov. Msg. No. 13):

Senator Baker moved that Stand. Com. Rep. No. 18 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of JILL MIYAMURA to the Statewide Health Coordinating Council, term to expire June 30, 2021, seconded by Senator Tokuda.

Senator Baker rose to speak in strong support of the nominee as follows:

[REMARKS]

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 19 (Gov. Msg. No. 17):

Senator Kahele moved that Stand. Com. Rep. No. 19 be received and placed on file, seconded by Senator Kim and carried.

Senator Kahele then moved that the Senate advise and consent to the nomination of SHARON VITOUSEK to the Hawai'i Medical Education Council, term to expire June 30, 2021, seconded by Senator Kim.

Senator Inouye rose to speak in support of the nominee as follows:

[REMARKS]

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 20 (Gov. Msg. No. 34):

Senator Kahele moved that Stand. Com. Rep. No. 20 be received and placed on file, seconded by Senator Kim and carried.

Senator Kahele then moved that the Senate advise and consent to the nomination of COLLEEN SATHRE to the Western Interstate Commission for Higher Education, term to expire June 30, 2021, seconded by Senator Kim.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 21 (Gov. Msg. No. 35):

Senator Kahele moved that Stand. Com. Rep. No. 21 be received and placed on file, seconded by Senator Kim and carried.

Senator Kahele then moved that the Senate advise and consent to the nomination of DOUGLAS SHINSATO to the Board of Regents of the University of Hawai'i, term to expire June 30, 2018, seconded by Senator Kim.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 22 (Gov. Msg. No. 18):

Senator Rhoads moved that Stand. Com. Rep. No. 22 be received and placed on file, seconded by Senator Gabbard and carried.

Senator Rhoads then moved that the Senate advise and consent to the nomination of SHAWN MERRILL to the Board of Registration of the Island of Hawai'i, term to expire June 30, 2019, seconded by Senator Gabbard.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 23 (Gov. Msg. No. 14):

Senator Kim moved that Stand. Com. Rep. No. 23 be received and placed on file, seconded by Senator Ruderman and carried.

Senator Kim then moved that the Senate advise and consent to the nomination of ROBERT GAUSEPOHL to the Enhanced 911 Board, term to expire June 30, 2020, seconded by Senator Ruderman.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 24 (Gov. Msg. No. 12):

Senator Baker moved that Stand. Com. Rep. No. 24 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of LOUISE CRUM to the State Council on

Mental Health, term to expire June 30, 2020, seconded by Senator Tokuda.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 25 (Gov. Msg. No. 32):

Senator Baker moved that Stand. Com. Rep. No. 25 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of CARI UESUGI to the Language Access Advisory Council, term to expire June 30, 2020, seconded by Senator Tokuda.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 26 (Gov. Msg. No. 49):

Senator Baker moved that Stand. Com. Rep. No. 26 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of MICHAEL FREITAS to the State Boxing Commission of Hawaii, term to expire June 30, 2020, seconded by Senator Tokuda.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 27 (Gov. Msg. Nos. 51 and 52):

Senator Baker moved that Stand. Com. Rep. No. 27 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Board of Dental Examiners of the following:

PEARL ARRINGTON, term to expire June 30, 2021 (Gov. Msg. No. 51); and

SHARON TANAKA, term to expire June 30, 2019 (Gov. Msg. No. 52),

seconded by Senator Tokuda.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 28 (Gov. Msg. Nos. 37 and 38):

Senator Wakai moved that Stand. Com. Rep. No. 28 be received and placed on file, seconded by Senator Baker and carried.

Senator Wakai then moved that the Senate advise and consent to the nominations to the Stadium Authority of the following:

BRENNON MORIOKA, term to expire June 30, 2021 (Gov. Msg. No. 37); and

AUDREY ABE, term to expire June 30, 2021 (Gov. Msg. No. 38),

seconded by Senator Baker.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 29 (Gov. Msg. Nos. 26, 27, 28, and 29):

Senator Rhoads moved that Stand. Com. Rep. No. 29 be received and placed on file, seconded by Senator Gabbard and carried.

Senator Rhoads then moved that the Senate advise and consent to the nominations to the Land Use Commission of the following:

GARY OKUDA, term to expire June 30, 2021 (Gov. Msg. No. 26);

LEE OHIGASHI, term to expire June 30, 2020 (Gov. Msg. No. 27);

LINDA ESTES, term to expire June 30, 2021 (Gov. Msg. No. 28); and

NANCY CABRAL, term to expire June 30, 2021 (Gov. Msg. No. 29),

seconded by Senator Gabbard.

Senator Inouye rose to speak in support of Gov. Msg. No. 29 as follows:

[REMARKS]

Senator Rhoads rose to speak in support of the nominees as follows:

[REMARKS]

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 30 (Gov. Msg. Nos. 30 and 31):

Senator Rhoads moved that Stand. Com. Rep. No. 30 be received and placed on file, seconded by Senator Gabbard and carried.

Senator Rhoads then moved that the Senate advise and consent to the nominations to the Kāne'ohe Bay Regional Council of the following:

CLAYTON HANAGAMI, term to expire June 30, 2021 (Gov. Msg. No. 30); and

CLIFFORD LOO, term to expire June 30, 2021 (Gov. Msg. No. 31),

seconded by Senator Gabbard.

Senator Rhoads rose to speak in support of the nominees as follows:

[REMARKS]

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 31 (Gov. Msg. No. 61):

Senator Rhoads moved that Stand. Com. Rep. No. 31 be received and placed on file, seconded by Senator Gabbard and carried.

Senator Rhoads then moved that the Senate advise and consent to the nomination of JEAN ROLLES to the Hawai'i Sister State Committee, term to expire June 30, 2020, seconded by Senator Gabbard.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

Stand. Com. Rep. No. 32 (Gov. Msg. No. 25):

Senator Dela Cruz moved that Stand. Com. Rep. No. 32 be received and placed on file, seconded by Senator Keith-Agaran and carried.

Senator Dela Cruz then moved that the Senate advise and consent to the nomination of CHRISTOPHER HANNIGAN to the Board of Taxation Review, 3rd Taxation District (Hawai'i), term to expire June 30, 2020, seconded by Senator Keith-Agaran.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

At this time, Senator Baker introduced Karen Boyer of the State Board of Nursing, and Linda Axtell-Thompson of the Policy Advisory Board for Elder Affairs, both of whom were present in the gallery.

Senator Kahele introduced Colleen Sathre of the Western Interstate Commission for Higher Education, who was seated in the gallery.

Stand. Com. Rep. No. 33 (Gov. Msg. No. 40):

Senator Rhoads moved that Stand. Com. Rep. No. 33 be received and placed on file, seconded by Senator Gabbard and carried.

Senator Rhoads then moved that the Senate advise and consent to the nomination of ROBERT MASUDA as Deputy to the Chairperson of the Department of Land and Natural Resources, term to expire December 3, 2018, seconded by Senator Gabbard.

Senator Rhoads spoke in support of the nominee as follows:

[REMARKS]

Senator Inouye rose to speak in support of the nominee as follows:

[REMARKS]

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused 3 (Nishihara, Taniguchi, Thielen).

At this time, Senator Rhoads introduced Dr. Robert Masuda, who was present in the gallery.

Stand. Com. Rep. No. 34 (Gov. Msg. Nos. 59 and 60):

Senator Tokuda moved that Stand. Com. Rep. No. 34 be received and placed on file, seconded by Senator English and carried.

Senator Tokuda then moved that the Senate advise and consent to the nominations to the Hawai'i Labor Relations Board of the following:

MARCUS OSHIRO, term to expire June 30, 2018 (Gov. Msg. No. 59); and

MARCUS OSHIRO, term to expire June 30, 2024 (Gov. Msg. No. 60),

seconded by Senator English.

Senator Tokuda rose to speak in support of the nominee as follows:

[REMARKS]

Senator Inouye spoke in support of the nominee as follows:

[REMARKS]

Senator Baker rose to speak in support of the nominee as follows:

[REMARKS]

Senator Kim rose to speak in support of the nominee as follows:

[REMARKS]

Senator Dela Cruz rose to speak in support of the nominee as follows:

[REMARKS]

Senator Ihara rose to speak in support of the nominee as follows:

[REMARKS]

The Chair then remarked, in good humor:

[REMARKS]

Senator Galuteria rose to speak in support of the nominee as follows:

[REMARKS]

The motion was put by the Chair and carried, Roll Call vote having been requested, on the following showing of Ayes and Noes.

Ayes, 22. Noes, none. Excused, 3 (Nishihara, Taniguchi, Thielen).

At this time, Senator Tokuda introduced the Honorable Marcus Oshiro, State Representative and newly confirmed chair of the Hawai'i Labor Relations Board, who was present in the gallery with his wife, Lausanne; his mother, Ruth; his sisters, Roberta Ishikawa and Susan Okamura; Lei Learmont, Wahiawā Neighborhood Board and Democratic Party District Chair; Larry Meacham, Democratic Party Assistant Treasurer and former Common Cause executive director; and Mike McCartney, chief of staff for the Honorable David Y. Ige, Governor of the State of Hawai'i. Senator Tokuda recalled being an executive in the Lieutenant Governor's office and meeting with Representative Oshiro when he was chair of the Labor committee, as well as Mike McCartney when he was director of the Department of Human Resources Development, to discuss civil service reform, and how everything in life comes back full circle as she is now the Labor chair, able to confirm the new chair for the Labor Relations Board.

Senator Ihara rose to speak on a point of information as follows:

[REMARKS]

Senator Tokuda responded:

[REMARKS]

At 10:15 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:04 p.m.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 2 and 3) were read by the Clerk and were disposed of as follows:

S.R. No. 2 "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THE SENATE ON THIS FINAL DAY OF THE FIRST SPECIAL SESSION OF 2017."

Offered by: Senator English.

On motion by Senator Espero, seconded by Senator English and carried, S.R. No. 2 was adopted.

S.R. No. 3 "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE."

Offered by: Senator English.

On motion by Senator Espero, seconded by Senator English and carried, S.R. No. 3 was adopted.

At this time, Senator Galuteria rose to speak on a point of personal privilege as follows:

[REMARKS]

The Chair then stated:

[REMARKS]

#### ADJOURNMENT

Senator Espero moved that the Senate of the Twenty-Ninth Legislature of the State of Hawai'i, Special Session of 2017, adjourn Sine Die, seconded by Senator English and carried.

At 1:08 p.m., the President rapped his gavel and declared the Senate of the Twenty-Ninth Legislature of the State of Hawai'i, Special Session of 2017, adjourned Sine Die.