

SIXTIETH DAY

Thursday, May 2, 2019

The Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019, convened at 11:16 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 Fifty-Ninth Day.

At this time, Senator Rhoads introduced his staff and thanked them for all of their hard work throughout the legislative session: committee clerk Emily Sampson, legislative assistants Talya Randall and Mary Harman, University of Hawai'i legislative assistant interns Monte Keawe-Costa and Kathleen Bissell, legislative intern Cindy Ng, legislative attorney Jimmy Nelson, office manager Glen Young, legislative attorney Keoni Souza, and legislative assistant Diana Ronquillo.

Senator Kim welcomed a group of fifth-grade students and their teachers from Kapālama Elementary School, who were seated in the gallery: students Ivy Agamata, Samantha Agustin, Noa Arriesgado, Noah Baltero, Alisha Biacan, Nadine Castillo, Ian Dela Cruz, Jusser Dela Cruz, Kaleb Dias, Ralsn Galapate-Bareng, Cayleb Huynh, Louise Lanuza, YiXiang Lin, Lynette Manuel, Chazlene Marcellana, Princess Martinez, Evan Mizushima, Zhanina "Sabrina" Paguirigan, Nadyne Pascua, Alexis Patalinghog, Haylee Tadeo-Juntura, Rondey Tampon, Therese Teves, and Shaydon Ybanez-Ishikawa, who were accompanied by their teacher, Mr. Kyle Sakamoto; students Joshua Ancheta, Ava Cadoy-Makinano, Jaiden De Leon, Francis De Mesa, Jhanika Ganai, Wanqiu He, YiTing He, Trysson Lasit, Valeb Lavallee, Leila Macapagal, William Macatumbas, Don Matsuda-Lucas, Jason Okutani, Ezekiel Palabay, Michael Pintor-Alonzo, Brayden Rempillo, Davey Reyes, Edrei Rivera, Maile Rutowski, Evie Somera, Zachary Tampon, Fetuumoana Tautuiaki, Cassera Togia White, Shyra Valdez, Arfe Villanueva, and Keina Yoshimoto, who were accompanied by their teacher, Mrs. Yuri Toyama; students Jace Batara, Leiko Bongo, Tiffany Bonilla, Kimreie Borja, Bronson Boucher, Jazzarae Constantino, KC Duldulao, Francisco Duran, Isaac Ea, Jared Fontanilla, Kaeo-Boy Grant, Warner Ho'opi'i, Camille Irrurita-Corpuz, Tyler Lam, Kim Maderazo, Kayla Morigawara, Edwin Pagdilao, Angelica Pascua, Nympha Paulino, Tai Pham, Csariez Rivera, Sophie Saoit, Rylan Schroeder, Sam William, Yuan Yasay, and Hanshan Zhou, who were accompanied by their teacher, Mrs. Lori Fujimoto; and students Elizabeth Balanza, Sean Baloran, Brayden Bello, Wen Qian Cao, Sean Concepcion, Randy Fiesta, Dexter Garcia, Sierra Gomes, Aukai Lyman-Aea, Trisha Macatumbas, Izabael Mendoza, Angeline Nahoi, Jesse Ociones, Jerdalyn Paned, Joaquin Panoy, Rylee Parana, Glemarie Rosete, Gabrielle Soriano, Xylor Tiposo, Prince Tominiko, Jack Vongsavanh, Zixuan "Jason" Wu, Reyson Yim, and Dylan Yoshizawa, who were accompanied by their teacher, Mr. Roy Morigawara.

Senator Kim also introduced her session staff and thanked them for their hard work: Sam Hironaka, a student at the University of Hawai'i at Mānoa majoring in political science who would be graduating in December, and Morgan Rapozo from Waiākea, who had earned a bachelor of arts degree from the University of Portland only two years after graduating from high school, as well as a law degree and a master of business administration from the University of Hawai'i at Mānoa.

Senator Gabbard acknowledged his hardworking staff: session staff Shelly Wilkinson and University of Hawai'i intern Sautia Tanoa, who were seated in the gallery with office

manager Meg Turner, as well as other staff who were not in attendance.

Senator Shimabukuro acknowledged the presence of the Honorable David Y. Ige, Governor of the State of Hawai'i.

Senator Shimabukuro then introduced Demont and Momi Conner; Jon Moniz, Pane Meatoga, and others from the Operating Engineers; and Max Sword in the gallery.

Senator Nishihara recognized his hardworking staff: office manager Priscilla Kubota, committee clerk Alec Ikeda, and assistant committee clerk Venus Delos Santos.

Senator Taniguchi introduced members of his session staff: Craig Kugisaki, Trisha Arashiro, and Jade Sohriakoff.

Senator English expressed his deepest gratitude to his staff: Auntie Libby Kimball, Cissy Rees, Sharon Lum Ho, and Jacob Aki.

Senator Kahele thanked his hardworking staff: University of Hawai'i at Hilo intern Mark Jimenez; Lu'ukia Nakanelua, who would be graduating from the William S. Richardson School of Law the following week; legislative assistant Grace Wolff; Linda Menda; Victoria Trotter from the University of Hawai'i – West O'ahu; and Ikaika Mahoe.

Senator Ruderman recognized guests in the gallery, including Bart Dame, June Chin, Josh Frost, and Kimiko LaHaela Walter.

Senator Inouye introduced her intern Hope Duran, who was from Los Angeles and hoped to extend her stay in Hawai'i, and thanked office manager Tommie Sukanuma and committee clerk Sydney Hart for doing a wonderful job.

Senator Ihara introduced session staff Tambry Young, Emmanuel Sarahan, and Michele Eliana, and acknowledged longtime office manager Heather Bolan for over 30 years of service.

Senator Inouye also recognized legislative aide Melvin Ah Ching for his help with social media, constituent communication, and photography throughout the legislative session.

Senator Chang thanked members of his staff for their hard work: office manager Adrian Tam; committee clerk Erynn Fernandez; Ian Terayama; interns Daisy Chang, Chloe Huang, Dyson Chee, Ray Sakamoto, and Jacob Heberle; and Dr. Allen Awaya, who had served various legislators for 13 legislative sessions and had recently gotten engaged.

Senator Thielen thanked staff members Jennifer Barra, Eliza Wilcox, and Rudy Gordon, and introduced her lifelong inspiration and mentor—her mother, State Representative Cynthia Thielen.

Senator Kidani introduced and thanked her staff: Danicia Honda, the reigning Miss Chinese Jaycees, Marie Richardson, Jade Snow, session staff Kay Watanabe and Trent Sewell, and committee clerk Scott Fuji, who had recently gotten engaged. Senator Kidani also thanked Napela Shim, committee clerk for State Representative Justin H. Woodson, Chair of the Committee on Lower & Higher Education, and noted that it was her last legislative session as she would be returning to Wisconsin.

Senator Riviere expressed appreciation for his hardworking and loyal staff: office manager Margaret Olson, legislative assistant Mike Dezelle, and session staffer Justin Salisbury.

The Chair acknowledged and thanked Ross Tsukenjo, Rayanne Fujimoto, and other members of his office staff. On behalf of the members of the Senate, the Chair also recognized the hard work of all of the session staff, full-time staff, and support staff, who have a great passion to create a better Hawai'i and work very long hours for modest pay, and expressed appreciation for their efforts.

The Chair then remarked:

"Before proceeding, I was remiss on Tuesday; it marked the retirement of Jon Shimabuku. Jon worked for the state for 30 years; before working at the Senate he was at the Department of Public Safety and also at Taxation. Jon led the Senate IT office through a period of rapid growth in both staffing and responsibility. Under Jon's leadership, the Legislature won the NCSL Online Democracy Award in 2012, created the popular LiveStatus program that transformed the way many of the staff track legislation, and was known for his exceptional ability to train non-technical staff on IT software and hardware, unflappable patience, and level head.

"On a personal note—and I've watched Jon participate in Sergeant-at-Arms Ben Villaflor's after-work boxing classes—his coworkers said he inspired some of them to travel more and to go on hikes. When I told people that he served 30 years, they all said he didn't look old enough to have been here that long, and so they also noted he doesn't look a day older than he did on the first day he started. And he achieved his goal of retiring on time by his tenacity of bringing home-lunch every single day, eating tuna sandwiches or stinking up the office with his salmon patties. But he has been an exemplary employee. I just feel badly that I did not get him onto the floor on Tuesday and, as any good retiree, he's not here today—he's enjoying his retirement, but I certainly wanted to be sure we had his name entered into the Journal and acknowledged his service."

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 17 and 1133) were read by the Clerk and were placed on file:

Gov. Msg. No. 17, letter dated April 25, 2019, informing the Legislature that tentative agreements with United Public Workers, Collective Bargaining Units 1 and 10 were reached on April 18, 2019, and that ratification had been completed.

Gov. Msg. No. 1133, informing the Senate that on April 30, 2019, the Governor signed into law Senate Bill No. 1033, S.D. 2, H.D. 2 as Act 32, entitled: "RELATING TO THE LICENSURE OF MIDWIVES."

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 428 to 443) were read by the Clerk and were placed on file:

Dept. Com. No. 428, from the Department of Business, Economic Development, and Tourism dated March 27, 2019, transmitting the Estimated Motion Picture, Digital Media and Film Production Income Tax Credit for Calendar Year 2018 Report pursuant to Act 89, SLH 2018 and Act 143, SLH 2017.

Dept. Com. No. 429, from the Office of Enterprise Technology Services dated March 29, 2019, transmitting the Department of Accounting and General Services HawaiiPay Project Independent Verification and Validation Report for January 2019 pursuant to Section 27-43.6, HRS.

Dept. Com. No. 430, from the Office of Enterprise Technology Services dated March 29, 2019, transmitting the Department of Accounting and General Services HawaiiPay Project Independent Verification and Validation Report for February 2019 pursuant to Section 27-43.6, HRS.

Dept. Com. No. 431, from the Department of Education dated April 2, 2019, transmitting a report on a security breach at the Department of Education March 2019 pursuant to Section 487N-4, HRS.

Dept. Com. No. 432, from the University of Hawai'i dated April 2, 2019, transmitting a report of hire pursuant to Act 49, Section 96, SLH 2017.

Dept. Com. No. 433, from the Office of the Auditor dated April 3, 2019, informing the Legislature that the financial and compliance audit of the Hawai'i Public Housing Authority for the fiscal year ended June 30, 2018, was issued on March 12, 2019, as directed by Article VII, Section 10, of the State Constitution, and as authorized by Chapter 23, HRS.

Dept. Com. No. 434, from the Office of the Auditor dated April 8, 2019, informing the Legislature that the financial and compliance audit of the Department of Health for the fiscal year ended June 30, 2018, was issued on March 14, 2019, as directed by Article VII, Section 10, of the State Constitution, and as authorized by Chapter 23, HRS.

Dept. Com. No. 435, from the University of Hawai'i dated April 8, 2019, transmitting a report of hire pursuant to Act 49, Section 96, SLH 2017.

Dept. Com. No. 436, from the Office of the Auditor dated April 15, 2019, informing the Legislature that the financial and compliance audit of the Department of the Attorney General for the fiscal year ended June 30, 2018, was issued on March 11, 2019, as directed by Article VII, Section 10, of the State Constitution, and as authorized by Chapter 23, HRS.

Dept. Com. No. 437, from the Office of Enterprise Technology Services dated April 15, 2019, transmitting the Department of Human Services Systems Modernization Project Independent Verification and Validation Report for March 2019 pursuant to Section 27-43.6, HRS.

Dept. Com. No. 438, from the Office of Enterprise Technology Services dated April 15, 2019, transmitting the Hawaii BHA Integrated Case Management System Project Independent Verification and Validation Report for March 2019 pursuant to Section 27-43.6, HRS.

Dept. Com. No. 439, from the University of Hawai'i dated April 16, 2019, transmitting a report of hire pursuant to Act 49, Section 96, SLH 2017.

Dept. Com. No. 440, from the Office of the Auditor dated April 17, 2019, informing the Legislature that the financial and compliance audit of the Department of Education for the fiscal year ended June 30, 2018, was issued on March 25, 2019, as directed by Article VII, Section 10, of the State Constitution, and as authorized by Chapter 23, HRS.

Dept. Com. No. 441, from the University of Hawai'i dated April 17, 2019, transmitting the Semi-Annual Report on Hawai'i Cancer Research Special Fund from July 1 to December 31, 2018, pursuant to Section 304A-2168, HRS.

Dept. Com. No. 442, from the Office of the Auditor dated April 18, 2019, informing the Legislature that the financial and compliance audit of the Department of Human Services for the fiscal year ended June 30, 2018, was issued on March 22, 2019, as directed by Article VII, Section 10, of the State Constitution, and as authorized by Chapter 23, HRS.

Dept. Com. No. 443, from the University of Hawai'i dated April 23, 2019, transmitting a report of hire pursuant to Act 49, Section 96, SLH 2017.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 881 to 886) were read by the Clerk and were placed on file:

Hse. Com. No. 881, informing the Senate that on April 30, 2019, the Speaker discharged all conferees to the following bills:

H.B. No. 437, H.D. 1 (S.D. 1);
H.B. No. 901, H.D. 1 (S.D. 2);
H.B. No. 1007 (S.D. 1); and
H.B. No. 1009, H.D. 1 (S.D. 1).

Hse. Com. No. 882, informing the Senate that on April 30, 2019, the House agreed to the amendments proposed by the Senate and passed the following bills on Final Reading:

H.B. No. 68, H.D. 1, S.D. 1;
H.B. No. 154, H.D. 1, S.D. 1;
H.B. No. 270, H.D. 1, S.D. 2;
H.B. No. 297, H.D. 1, S.D. 1;
H.B. No. 349, S.D. 1;
H.B. No. 356, H.D. 1, S.D. 1;
H.B. No. 390, H.D. 1, S.D. 2;
H.B. No. 483, H.D. 2, S.D. 2;
H.B. No. 501, H.D. 2, S.D. 2;
H.B. No. 529, H.D. 1, S.D. 1;
H.B. No. 601, H.D. 1, S.D. 1;
H.B. No. 629, H.D. 2, S.D. 2;
H.B. No. 658, H.D. 1, S.D. 1;
H.B. No. 898, S.D. 1;
H.B. No. 1165, H.D. 2, S.D. 2;
H.B. No. 1176, H.D. 1, S.D. 1; and
H.B. No. 1268, S.D. 1.

Hse. Com. No. 883, informing the Senate that on April 30, 2019, the following bills passed Final Reading in the House of Representatives:

H.B. No. 32, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 34, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 61, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 66, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 89, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 116, S.D. 1, C.D. 1;
H.B. No. 120, S.D. 1, C.D. 1;
H.B. No. 157, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 172, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 214, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 250, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 252, S.D. 1, C.D. 1;
H.B. No. 257, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 290, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 323, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 333, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 340, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 398, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 401, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 407, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 420, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 444, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 452, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 456, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 463, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 471, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 510, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 543, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 546, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 551, S.D. 1, C.D. 1;
H.B. No. 556, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 560, H.D. 1, S.D. 1, C.D. 1;

H.B. No. 622, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 654, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 665, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 673, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 699, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 703, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 710, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 756, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 757, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 808, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 809, S.D. 1, C.D. 1;
H.B. No. 812, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 820, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 845, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 852, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 867, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 903, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 913, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 914, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 941, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 942, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 981, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 988, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 989, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 990, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 991, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 993, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 999, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1028, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1032, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 1033, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 1068, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 1070, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1133, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 1157, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 1163, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 1248, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 1259, S.D. 1, C.D. 1;
H.B. No. 1270, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 1273, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1276, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 1307, S.D. 2, C.D. 1;
H.B. No. 1312, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1319, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 1375, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 1383, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 1413, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1417, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1433, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1449, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 1455, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 1548, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 1552, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 1558, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1585, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 1586, H.D. 1, S.D. 2, C.D. 1;
S.B. No. 9, S.D. 1, H.D. 1, C.D. 1;
S.B. No. 25, S.D. 2, H.D. 1, C.D. 1;
S.B. No. 33, S.D. 3, H.D. 2, C.D. 1;
S.B. No. 98, H.D. 1, C.D. 1;
S.B. No. 162, S.D. 2, H.D. 3, C.D. 1;
S.B. No. 192, S.D. 1, H.D. 2, C.D. 1;
S.B. No. 216, S.D. 2, H.D. 1, C.D. 1;
S.B. No. 225, S.D. 1, H.D. 1, C.D. 1;
S.B. No. 272, H.D. 2, C.D. 1;
S.B. No. 281, S.D. 1, H.D. 2, C.D. 1;
S.B. No. 292, S.D. 1, H.D. 1, C.D. 1;
S.B. No. 301, S.D. 1, H.D. 1, C.D. 1;
S.B. No. 330, S.D. 1, H.D. 1, C.D. 1;
S.B. No. 335, S.D. 2, H.D. 1, C.D. 1;
S.B. No. 375, S.D. 2, H.D. 1, C.D. 1;

S.B. No. 381, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 383, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 385, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 388, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 390, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 394, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 398, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 409, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 413, H.D. 1, C.D. 1;
 S.B. No. 414, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 471, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 494, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 522, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 535, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 536, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 540, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 551, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 552, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 567, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 592, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 660, H.D. 1, C.D. 1;
 S.B. No. 661, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 663, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 693, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 723, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 753, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 754, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 759, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 763, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 767, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 770, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 772, H.D. 2, C.D. 1;
 S.B. No. 804, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 817, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 852, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 947, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 972, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 980, H.D. 1, C.D. 1;
 S.B. No. 981, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 985, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 989, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 991, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1002, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1037, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1039, H.D. 1, C.D. 1;
 S.B. No. 1058, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1124, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1148, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1173, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1176, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1188, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1192, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1195, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1201, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1204, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1210, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1212, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1213, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1221, H.D. 1, C.D. 1;
 S.B. No. 1223, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1226, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1231, H.D. 2, C.D. 1;
 S.B. No. 1232, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1236, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1237, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1238, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1240, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1241, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1246, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1263, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1303, S.D. 2, H.D. 2, C.D. 1;

S.B. No. 1314, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1348, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1353, S.D. 3, H.D. 3, C.D. 1;
 S.B. No. 1394, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1404, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1417, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1418, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1440, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1442, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1459, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1486, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1494, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1498, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1525, S.D. 1, H.D. 1, C.D. 1; and
 S.B. No. 1530, S.D. 3, H.D. 2, C.D. 1.

Hse. Com. No. 884, informing the Senate that on April 30, 2019, the House agreed to the amendments proposed by the Senate and Finally Adopted the following House concurrent resolutions:

H.C.R. No. 56, H.D. 1, S.D. 1;
 H.C.R. No. 216, H.D. 1, S.D. 1;
 H.C.R. No. 218, S.D. 1;
 H.C.R. No. 220, H.D. 1, S.D. 1;
 H.C.R. No. 224, H.D. 1, S.D. 1; and
 H.C.R. No. 225, H.D. 1, S.D. 1.

Hse. Com. No. 885, informing the Senate that on April 30, 2019, the House reconsidered its action taken on March 28, 2019, in disagreeing to the amendments proposed by the Senate to H.B. No. 314, H.D. 1 (S.D. 1).

Hse. Com. No. 886, informing the Senate that on April 30, 2019, the House reconsidered its action taken on April 11, 2019, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 437, H.D. 1 (S.D. 1);
 H.B. No. 531, H.D. 1 (S.D. 1);
 H.B. No. 901, H.D. 1 (S.D. 2);
 H.B. No. 1007 (S.D. 1); and
 H.B. No. 1009, H.D. 1 (S.D. 1).

JUDICIARY COMMUNICATION

The following communication from the Judiciary (Jud. Com. No. 20) was read by the Clerk and was placed on file:

Jud. Com. No. 20, dated April 8, 2019, transmitting a Report on New Administratively Established Accounts pursuant to Section 37-52.5(a), HRS.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 2242 (Gov. Msg. Nos. 743, 744, 745, 746, 747, 748, 749, and 750):

Senator Chang moved that Stand. Com. Rep. No. 2242 be received and placed on file, seconded by Senator Kanuha and carried.

Senator Chang then moved that the Senate advise and consent to the nominations to the Board of Directors of the Hawai'i Public Housing Authority of the following:

TODD TANIGUCHI, term to expire June 30, 2023 (Gov. Msg. No. 743);

ROY KATSUDA, term to expire June 30, 2022 (Gov. Msg. No. 744);

PONO SHIM, term to expire June 30, 2023 (Gov. Msg. No. 745);

BETTY LARSON, term to expire June 30, 2023 (Gov. Msg. No. 746);

MILO SPINDT, term to expire June 30, 2022 (Gov. Msg. No. 747);

SUSAN KUNZ, term to expire June 30, 2019 (Gov. Msg. No. 748);

SUSAN KUNZ, term to expire June 30, 2023 (Gov. Msg. No. 749); and

ROBERT HALL, term to expire June 30, 2022 (Gov. Msg. No. 750),

seconded by Senator Kanuha.

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

“The Housing committee, having had the opportunity to meet with the nominees transmitted in G.M. 743 through 750, found them to be extremely capable, qualified, and open-minded, and we’re relying on these members to help address the housing shortage that we have here in Hawai‘i, so I urge our colleagues to vote to confirm these nominees. Thank you.”

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

Ayes, 25. Noes, none.

Senator Chang introduced Milo Spindt, newly confirmed member of the Board of Directors of the Hawai‘i Public Housing Authority, who was seated in the gallery.

Stand. Com. Rep. No. 2243 (Gov. Msg. No. 664):

At this time, the Chair announced:

“The Committee on Energy, Economic Development, and Tourism made no recommendation on Governor’s Message No. 664. Therefore, the Chair will first entertain a motion to file Standing Committee Report No. 2243, then we will move on to the final vote on this matter.”

Senator Keohokalole moved that Stand. Com. Rep. No. 2243 be received and placed on file, seconded by Senator Taniguchi and carried.

The Chair then made the following observation:

“Members, pursuant to Senate Rule 37(3), the final question on nominations made by the Governor must be stated in the affirmative. Therefore, those casting ‘Aye’ votes will be voting to advise and consent, and those casting ‘No’ votes will be voting to reject the nomination. The Chair will now entertain a motion to advise and consent to the nomination of Mr. McCartney.”

Senator Keohokalole moved that the Senate advise and consent to the nomination of MIKE MCCARTNEY as Director of the Department of Business, Economic Development and Tourism, term to expire at noon on December 5, 2022, in accordance with Gov. Msg. No. 664, seconded by Senator Taniguchi.

Senator Wakai rose to speak in opposition to the nominee as follows:

“Colleagues, Hawai‘i’s economy stands at a precipice. After years of prosperity, it saw record-high visitor counts, and that was paired with record-low unemployment. We are now staring at the inevitable softening of economic growth. Our population is declining; we can no longer rely on federal funding to bolster our state coffers. It’s more important than ever that we carefully and strategically position our state, economy, and workforce, not only to withstand these near-term headwinds, but to take

advantage of the potential opportunities that are right in front of us.

“The Department of Business, Economic Development, and Tourism is charged with shepherding the state’s economic development engines through good times and bad. Its director is one of the most important positions in our state government. Over the last four months, I’ve sought to engage Mr. McCartney in relevant issues and allow him to show me what he can do, but he has failed to adequately demonstrate an ability to lead. In my questionnaire, I asked for his vision for the department and specific goals he wanted to achieve over the next four years. What I got was a response that was surprisingly meaningless. He cited general goals but absolutely no details. At his hearing on Monday, he delivered this binder to the EET members. His strategic plan really comes down to six slides in this binder. It talks about getting new hires up to speed, connecting legislative priorities to the DBEDT budget, and drafting a plan for economic growth. If Mr. McCartney talked to his own research division, he would have found this document; it was published in December of 2018. It’s called ‘Hawaii’s Targeted & Emerging Industries.’ It outlines for us the great opportunities for growth: film, healthcare, alternative energy. It also identifies industries that are on the decline, such as pharmacies, radio, call centers, and biotech. This document should have at least been the starting point for Mr. McCartney to come up with a clear plan as to where the state is going. Instead, he’s trying to start from zero and reinventing the wheel. We need somebody who’s going to really drive our economy, not on-the-job training.

“I don’t want to revisit the issues brought up at Monday’s confirmation hearing, but it was evident that Mr. McCartney has difficulty communicating and gets involved in issues either too late or never at all. Those who submitted testimony that were in support of Mr. McCartney really talked about him being a collaborator, and over the past four months, I’ve found him to be the complete opposite.

“Mr. McCartney is a very good man. I understand many of you have a personal relationship with him. On Monday, in this very chamber, Governor Ariyoshi shared with all of us the importance of doing good for the people, not for your friends. Those running the state cannot be just nice and kind; they have to be competent; they have to be responsible. If Mr. McCartney is confirmed this morning, Mr. McCartney: I promise you I will work with you, and I will keep that promise. But Mr. McCartney’s mantra is, ‘To go fast, you have to go slow.’ That is **not** how businesses function. Executives have to define goals, chase outcomes, and measure progress on a daily basis. I urge you to vote ‘no’ with me on Mr. McCartney’s confirmation. The public deserves much better.”

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

“I can’t help but note that there was no opposing testimony to the nomination and a hundred percent supportive testimony. Mr. McCartney came to Puna to spend the day with me during our crisis last year—not once, but twice—and I observed in him a good, caring person with a good heart and a lot of aloha. In viewing the confirmation hearing, I watched a good man and a friend treated with shocking disrespect. Only once before have I seen such mistreatment of a nominee in our house. No one’s perfect; he’s been criticized for a lack of communication. Communication is a two-way street: If you treat someone with antagonism instead of aloha, it’s hard to expect open communication. I’m more influenced by the testimony provided in public, which can be seen and responded to, and for me that must outweigh whispers, hidden agendas, and personal vendettas. I’ll be voting along with a hundred percent of the testimony we received in support of Mike McCartney. Thank you.”

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

"Mr. President, on Monday of this week, we honored former Governor George Ariyoshi with the Aloha Order of Merit. In his acceptance remarks, the governor recalled a confirmation vote in which he was asked by colleagues to vote down a nominee. He said that, putting aside all politics, he asked a simple question: Is this person worthy of confirmation? I ask the same question today. Is Mike McCartney worthy of confirmation? And as Governor Ariyoshi voted 'yes' on the Senate floor many, many years ago, I, too, say 'yes' today.

"Mike served with distinction for 10 years as a member of this very body. He has devoted himself to public service. I did not know him personally at the time when he was in the Senate; I was on the city council, but I got to know him when, as Tourism chair, we confirmed his nomination to the Hawai'i Tourism Authority board in 2004. He served as board chair during a time when the Legislature proposed many major changes to HTA. I worked with him, and he led the HTA board in effectuating those changes, as difficult as it was. Then, in 2009, he was selected by the Hawai'i Tourism Authority board to serve as president and CEO. He has been the state's director of Human Resources Development and, most recently, Governor Ige's chief of staff. Mike also has worked in the private sector as CEO of Hawaii Public Television, director of Hawaii State Teachers Association, and president and cofounder of Hawaii Stars.

"Whether you agree or disagree with his style of leadership, I think it's undeniable that we've appreciated not only his stellar service to the people of Hawai'i but the integrity and aloha with which he fulfilled his demanding mandates. We all know here in this body that any job in the public eye is difficult: There are competing demands for resources, for money or staff; there are pressures from many constituencies who are often at odds over the direction of public policy; there are many sleepless nights over tough decisions that must be made. Mike McCartney has not only endured these demands but demonstrated an inclusive leadership style in every capacity, always sensitive to Hawai'i's culture, bringing people together, and, most importantly, being respectful of everyone's right to disagree and have a different perspective. He is honest; he is caring, with goals of protecting our state's fragile environment, our history, and, most important, our most precious resource: our people. He is fully cognizant of his department's many missions and the differences over how the agency's goals can be met, which is what he tried to spell out in a binder that he was asked for. And I remind this body, I don't recall any other director we've asked for this kind of binder or goals.

"I have every confidence in his ability to resolve these challenges with integrity, respectfulness, and aloha that has marked his lifelong career in public service and to set a firm course for the future of our state. Approximately 138 testimonies were submitted in support; I could find none that opposed. Is he worthy? Absolutely, and I urge my colleagues to support his nomination for DBEDT director. Mahalo."

Senator Fevella rose to speak in support of the nominee with reservations as follows:

"In committee, when I was leaving the Capitol that day, I wasn't going to go to the meeting because I had a previous engagement for my doctor's appointment that I postponed, and I came back up. I didn't hear all the testimonies; I didn't really sit down and listen to everything that was going on but, because, at that time, Mike never came to my office, we never got to talk. I only know him briefly a long time ago when I was previously a Democrat. He came to my office and dropped off a binder, and due to my staff, they put it next to some certificates that I have for the community of 'Ewa Beach (the kids from Campbell), so

I didn't see it, so I went on the phone again and I made some calls and I said, 'You know, this guy never came to see me,' so that was my response, was that I voted 'no.'

"Previously, after that, I found that he came. Just so happened, I was talking to Donna about bill ... I no need talk about that bill, but, anyway, we were having deep conversation and emotion and what not and, in conversation, I just said, you know, I voted 'no' because I never met the guy. So, as I was leaving her office, who was bending down inside the ice box grabbing a bottle of water? Was Mike. So, I was leaving and then he looked at me, I looked at him, and then I said, 'You have time? You can talk to me?' I know he came to see Donna; he didn't come to see me, but I asked him, 'Do you have time?' He said, 'Sure, sure. I'll come to your office.' So he did, and we had a conversation, you know, we kinda, you know, ho'omalimali little bit, but bottom line is that I got a clue that, yeah, he's probably going to struggle like any one of us. I struggled when I got here, in doing my job, but all of you guys made it easy for me, each and every one of you. And I feel that, if he's going to struggle, yeah, I know this is a big position; it does drive our economic force, but if we don't ... I mean, our lives are surrounded by chances, guys. If nobody ever gave us a chance, none of us would be here today. I had chances; I had numerous chances, so I am here today.

"I'm supporting him with reservations, yes, because I want to see and I want to work closely with him. I want the dialogue to be open, for all of our senators to work closely with him, and that's what I stressed to him. That's what I brought up to him about my reason why I voted 'no,' because I felt that he wasn't open to discussing anything to do with his plan for his position. So, like I said, I had talked to him, and he left. I did not make a decision. I didn't tell him, 'Hey, way to go, boy,' whatever—I didn't say that with him—high five, nothing. We didn't do none of that, and my staff was there. And when he left, he said, 'You know, whether you support me or not, we'll work closely together,' and I admire that. So I went home; I went to Campbell High School's event and it was a great event. Listening to people talk about the testimony about this man—I don't have a personal relationship with him, but I want to give him a chance, and that's the reason why I'm voting 'with reservations.' Thank you."

The Chair reiterated the voting procedures and called for a Roll Call vote.

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

Ayes, 15; Ayes with Reservations (Fevella, Moriwiki). Noes, 10 (Baker, Chang, Dela Cruz, Harimoto, Kanuha, Keith-Agaran, Kidani, Nishihara, Shimabukuro, Wakai).

Senator Keohokalole introduced Director Mike McCartney, who was accompanied in the gallery by his wife, Candace, and his sons, Brice and Jaren. Also acknowledged was his daughter, Lauren, who was not in attendance.

The Chair then remarked:

"This is the third time this session I find myself in this place, with the Senate divided over a nominee from the governor. At the beginning of the session, I said directly to the governor from this rostrum that I'm committed to working with him in spite of the trash that was being out in the media about me holding political ill will and trying to mess him up. I don't know what stronger statement I can give to you, Governor, than my support of these three nominees, but I also tell you in a clear voice from this rostrum that my committee chairs want to see us go forward and go forward together, and so I expect to work with you and your department heads to ensure that the programs that are being outlined by Chair Wakai, by Chair Nishihara and Chair

Shimabukuro come to fruition. I know that Hawaiian Affairs has already held their informational briefing and laid out their program. I know Senator Nishihara is diligently working on his, and Senator Wakai clearly has a vision of where he believes we need to go and, although I am voting in support of Senator McCartney, I want you to know that I am in full support of the agenda as it's been laid out by Senator Wakai, and he can count on my full support to work with you to try and carry it out."

At 11:55 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:03 p.m.

FINAL READING

Conf. Com. Rep. No. 203 (H.B. No. 624, H.D. 1, S.D. 3, C.D. 1):

On motion by Senator Wakai, seconded by Senator Kim and carried, Conf. Com. Rep. No. 203 was adopted and H.B. No. 624, H.D. 1, S.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STRUCTURE OF GOVERNMENT," passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 204 (S.B. No. 1197, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kanuha and carried, Conf. Com. Rep. No. 204 was adopted and S.B. No. 1197, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT COST ITEMS," passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 78, S.D. 2, H.D. 2:

On motion by Senator Kidani, seconded by Senator Kahele and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 78, S.D. 2, and S.B. No. 78, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1453, H.D. 1, S.D. 1, C.D. 2:

Senator Baker moved that H.B. No. 1453, H.D. 1, S.D. 1, C.D. 2, having been read throughout, pass Final Reading, seconded by Senator Kahele.

Senator Baker requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Baker's remarks read as follows:

"Mr. President, I rise in strong support of H.B. 1453, C.D. 2, Relating to Emergency Medical Services. Currently, 911 emergency medical patients are only transported to facilities designated as hospitals; however, not all patients who receive need emergency treatment need to subsequently be transported to the hospital.

"Emergency medical services (EMS) currently only charge fees when they transport a patient to an emergency room. This incentivizes inappropriate use of transport assets and emergency departments. Many patients that utilize emergency medical services do not require hospitalization, and allowing emergency medical services to work with patients and community partners to develop and employ more customized care plans will provide

more appropriate patient care while reducing the burden on emergency medical services and hospital resources.

"With the cost of healthcare increasing, this measure authorizes the Department of Health to establish reasonable fees for transportation to medical facilities and for provision of emergency medical services that do not include transport and authorizes transportation by ambulance to medical facilities other than hospital emergency departments.

"Also, this measure requires private insurers to provide coverage for statewide community paramedicine services rendered by emergency medical technicians (EMTs) and paramedics. The Community Paramedicine program is a new model that involves using EMTs and Paramedics to provide care to underserved populations.

"Please join me in support of H.B. 1453, H.D. 1, S.D. 1, C.D. 2 and help provide coverage for emergency medical services and creation of efficient programs that are designed to help our most fiscally vulnerable community members. Mahalo."

The motion was put by the Chair and carried, H.B. No. 1453, H.D. 1, S.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 976, S.D. 2, H.D. 1, C.D. 2:

On motion by Senator Kidani, seconded by Senator Dela Cruz and carried, S.B. No. 976, S.D. 2, H.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LIBRARIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 888, H.D. 1, S.D. 2, C.D. 2:

Senator Baker moved that H.B. No. 888, H.D. 1, S.D. 2, C.D. 2, having been read throughout, pass Final Reading, seconded by Senator Kahele.

Senator Baker requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Baker's remarks read as follows:

"Mr. President, I rise in strong support of H.B. 888, C.D. 2, Making Appropriations to the Maui Health System. The purpose of this bill is to appropriate funds to the Maui Health System for fiscal biennium 2019-2020, to continue assisting the organization's operations as it moves toward self-sufficiency.

"The Maui Health System manages several key health care institutions in the County of Maui that are critical to the health and well-being of county residents. These key health care institutions include Maui Memorial Medical Center, Kula Hospital, and Lanai Community Hospital. The Maui Health System took over these facilities from the Hawaii Health Systems Corporation (HHSC), and Maui Memorial Medical Center is currently the only hospital on the neighbor islands that provides cardiac surgery, interventional cardiology, interventional neurosurgery, and neurosurgery.

"In 2019, the Maui Health System will continue on its path toward self-sufficiency by focusing its efforts to resolve union negotiations and identify appropriate staffing levels by managing productivity. Maui Health System also plans to improve revenues by decreasing the outmigration of services from Maui and recruiting physicians specializing in areas

including but not limited to neurosurgery, trauma, oncology surgery, cardiology, nephrology, urology, and primary care. Additionally, for each physician recruited, the Maui Health System can provide their services for the communities of Maui and Lānaʻi on island and generate additional revenue, thus reducing the need for subsidies.

“Please join me in supporting H.B. 888, C.D. 2 to assist the Maui Health System’s operations as it moves toward self-sufficiency and continues to provide invaluable life-saving hospital services in Maui County. Mahalo.”

The motion was put by the Chair and carried, H.B. No. 888, H.D. 1, S.D. 2, C.D. 2, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS TO THE MAUI HEALTH SYSTEM,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1405, S.D. 2, H.D. 2, C.D. 2:

Senator Baker moved that S.B. No. 1405, S.D. 2, H.D. 2, C.D. 2, having been read throughout, pass Final Reading, seconded by Senator Rhoads.

Senator Baker requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Baker’s remarks read as follows:

“Mr. President I rise in strong support of S.B. 1405, S.D. 2, H.D. 2, C.D. 2, Relating to Electronic Smoking Products. This bill makes it clear that DOE employees are required to confiscate electronic cigarettes from students under 21 year and dispose of forfeited electronic cigarettes in a manner provided for under law. It increases administrative fines for persons under 21 in possession of electronic cigarettes, and creates a Safe Harbor Program whereby students can voluntarily surrender their electronic cigarettes without risking a fine.

“New findings from the 2018 National Youth Tobacco Survey (NYTS) demonstrated a dramatic increase in youth use of ESDs. From 2017 to 2018, there was a 78 percent increase in current e-cigarette use among high school students and a 48 percent increase among middle school students. In a rare advisory in December 2018, the U.S. Surgeon General, Dr. Jerome Adams, officially declared ‘e-cigarette use among youth an epidemic in the United States’. Likewise, Dr. Scott Gottlieb, Commissioner of the U.S. Food and Drug Administration, in his press statements described his shock at the alarming surge in youth uptake of ESD and that youth vaping is an epidemic. Hawaiʻi rates of youth ESD use is higher, with 25 percent of high school students reporting being regular users, and 42 percent had tried them, and rates for neighbor island youth are consistently higher than rates for the entire state.

“Please join me in supporting S.B. 1405, which aims to curb student use of electronic cigarettes. However, I want to emphasize that this is only one part of the fight against the youth vaping epidemic. We should also be taxing e-cigarettes as we do tobacco, and we should ban the sale of flavored e-liquids that appeal to youth. These measures were up for passage this year. Unfortunately, those measures did not pass the House of Representatives. Hopefully in future legislative session, the House will join the Senate in holding vendors and manufacturers to account for their role in the dangerous youth vaping epidemic. Mahalo.”

The motion was put by the Chair and carried, S.B. No. 1405, S.D. 2, H.D. 2, C.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ELECTRONIC SMOKING PRODUCTS,”

having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 843, H.D. 1, S.D. 1, C.D. 2:

On motion by Senator Kim, seconded by Senator Kahele and carried, H.B. No. 843, H.D. 1, S.D. 1, C.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HAWAII COMMUNITY COLLEGE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1547, H.D. 2, S.D. 3, C.D. 2:

On motion by Senator Kim, seconded by Senator Kahele and carried, H.B. No. 1547, H.D. 2, S.D. 3, C.D. 2, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE UNIVERSITY OF HAWAII,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1342, H.D. 1, C.D. 2:

On motion by Senator Rhoads, seconded by Senator Keith-Agaran and carried, S.B. No. 1342, H.D. 1, C.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE PROBATE CODE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

SENATE RESOLUTIONS

The following Senate resolutions (S.R. Nos. 176 and 177) were read by the Clerk and were disposed of as follows:

S.R. No. 176 “SENATE RESOLUTION REGARDING COMPLETION OF THE WORK OF THE THIRTIETH LEGISLATURE, REGULAR SESSION OF 2019, SUBSEQUENT TO THE ADJOURNMENT THEREOF.”

Offered by: Senators English, Fevella.

On motion by Senator Kahele, seconded by Senator Fevella and carried, S.R. No. 176 was adopted.

S.R. No. 177 “SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE.”

Offered by: Senators English, Fevella.

On motion by Senator Kahele, seconded by Senator Fevella and carried, S.R. No. 177 was adopted.

At this time, Senator Dela Cruz introduced Mrs. Joy Kouchi, wife of Senate President Ronald D. Kouchi, who was seated in the gallery.

Senator Keohokalole invited the members of the Hawaiian Caucus to take a photo in front of the Hawaiian flag immediately following the session’s adjournment.

Senator Ruderman rose to speak on a point of personal privilege as follows:

“I hate to inject a somber note into today’s proceedings, but, just this last Saturday, for the first time, I got to take my daughter to the Children’s Discovery Center in Kaka’ako. I’m sure you all are familiar with it. For someone from the Big Island, it was an eye-opener because we don’t have anything of the sort there. It’s a precious resource, and I think most of you know that they are facing tremendous challenges from an aggressive homeless encampment and very serious security

concerns that might very well force them to close. I think that would be a heartbreaking situation if that happened. Joni Mitchell said, 'You don't know what you've got till it's gone,' and I think this is an example of it. I don't have the answer to what they need, but it's a combination of security, patrolling, and other kinds of support that they don't have right now. There's a turf battle between the sheriffs and the Honolulu Police Department of whose job it is to support this place. There are other issues facing them. I ask you folks, don't let the Children's Discovery Center close. Let's find a way to support them and keep it open. It's a precious resource; it's important for our keiki, and those of you who take it for granted: You don't know how wonderful it is and what you've got. Please find a way to save the Children's Discovery Center. Thank you."

Senator Kim rose to speak on a point of personal privilege as follows:

"Mr. President, as you know, my mom passed away during our conference time, and I just want to thank all of you for all of your kind words of comfort and all of your support for my mom. Thank you."

Senator Kahele rose to inform the members that the number-one ranked University of Hawai'i men's volleyball team would be competing in the 2019 NCAA Men's Collegiate Championship semifinal game later that afternoon, and would undoubtedly compete in the final championship game that weekend, and wished the team good luck.

Senator Moriwaki requested to have the remarks of the senator from Puna entered into the Journal as her own, and also reminded the senators that she would be working with the senator from Puna to ensure that the Children's Discovery Center would continue on and that they would look at ways in which they could work together to support the center.

The Chair then announced:

"Members, at this time we will be taking a short recess to inform the House that the Senate is ready to adjourn Sine Die."

At 12:09 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:12 p.m.

Senate President Kouchi then addressed the members of the Senate as follows:

"This is normally when I talk about everything we've accomplished, what we hope to see, but today I'm just going to be honest. This has been incredibly difficult, and I've never been a paddler on a canoe team, but you hear so many of our elected leaders use the metaphor. We heard Nainoa Thompson talk the other week about being in the canoe and paddling together, and I now clearly know what it feels like when everybody's paddling in a different direction. But it's because each and every one of you ran to make a difference, to make a better Hawai'i, and you feel an obligation to each and every one of your constituents. I laugh when people tell me, 'It must be easy because you've got all Democrats,' (or now 24 and 1), 'Oh, there must be no debate,' 'Oh, the voices are silent.' The voices here are anything but silent. I'm looking forward to bringing the gavel down, having an opportunity for us to attend educational seminars and conferences, to get back into our districts and take an assessment for next session, but mostly just for some re-creation, recreation, relaxation, and rebuilding my spirit to come back. And, in spite of saying how difficult it's been, I wouldn't trade it for anything else in the world, for the opportunity to work with each and every one of you and the passion you bring to work every day, and I look forward to the

work we're going to put in in the interim and what we're going to be able to accomplish next year."

ADJOURNMENT

Senator Kahele moved that the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019, adjourn Sine Die, seconded by Senator Fevella and carried.

At 12:14 p.m., the President rapped his gavel and declared the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019, adjourned Sine Die.